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THE CASE FOR
DISESTABLISHMENT:

A HANDBOOK OF FACTS AND ARGUMENTS
IN SUPPORT OF THE CLAIM FOR
RELIGIOUS EQUALITY.

SOCIETY FOR THE LIBERATION OF RELIGION
FROM STATE PATRONAGE AND CONTROL
16, CANTON HOUSE, WESTMINSTER, S.W.

1894.

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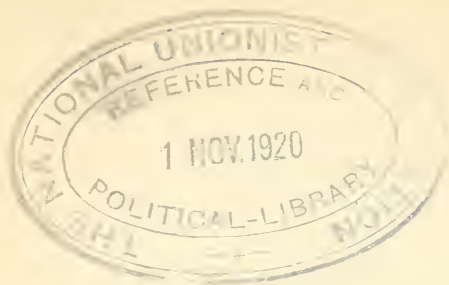
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BY
THE
SOCIETY FOR THE LIBERATION OF RELIGION
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NEW EDITION.—REVISED AND ENLARGED.

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PREFACE.

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THE aim of this volume is to present, in a brief compass, a statement of the principal facts and arguments on which the advocates of Disestablishment base their case.

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The present edition has been revised throughout, and to a large extent re-written, with the view of embodying all the most recent information on the subject. Several new chapters have also been added, dealing with topics that were only incidentally referred to in the previous edition.

HARDING

One of the special features of the volume is the abundance of its information derived from Acts of Parliament, Parliamentary papers, and other official sources, respecting the constitution and working of the several departments of the Church Establishment. It also contains much important testimony from dignitaries, clergymen, and lay members of the Established Church, who, while opposed to Disestablishment, have condemned almost every feature of the Establishment system.

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The work has been prepared with great care, and contains, it is believed, a larger amount of well authenticated information respecting the position of the English Establishment, the progress of the movement for religious equality, and the results of Disestablishment in Ireland, the Colonies, and America, than has yet been presented to the public in any single volume.

January, 1894.

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NOTICE.

SINCE the publication of this volume there has been fresh legislation on Marriages, Burials, and Education. For information up to date on these subjects apply to the SECRETARY, Liberation Society, 16, Caxton House, Westminster, S.W.

ERRATA.

- Page 5.—In second footnote, for p. 203 read p. 219.
- „ 136.—In last column of table, for 555,948 read 564,525;
for 269,856 read 269,855; and for 132,456
read 324,496.
- „ 180.—In second table, for 4,262 read 1,262.
- „ 194.—In total of the second column of table, for
1,834,805 read 1,834,745.
- „ 202.—In bottom line of first column, for 217 read 267.

INTRODUCTION.

ON all sides there are indications that the close of the great struggle for religious equality is approaching. Events within the Established Church, equally with the progress of public opinion outside of it, are pressing the subject of disestablishment into the front rank of urgent questions of practical politics, and it is inevitable that, with the least possible delay, decisive action will have to be taken in regard to it.

No better evidence could be given of the great advance of public opinion on the subject than the fact that, at the General Election of 1892, the number of members returned who were favourable to disestablishment, not only in Wales and Scotland, but in England also, was far larger than on any previous occasion. The Parliament of 1868, which disestablished the Irish Church, had a large majority in favour of that particular object, but when, in 1871, the late Mr. Edward Miall moved a resolution in favour of general disestablishment he was supported by only eighty-nine votes, and in the previous year a resolution for disestablishment in Wales separately, obtained only forty-five votes. But the Liberal party as a whole is now pledged to disestablishment in Wales and Scotland; and a large majority of its members in the House of Commons are in favour of disestablishment in England also. This is an immense gain, and, taken in connection with the enthusiasm which the movement for disestablishment excites among the great body of the people, it shows that the reign of ecclesiastical privilege is surely coming to an end.

It is now nearly fifty years ago that the Anti-State-

Church Association¹ began its work. It was founded by earnest-minded Christian men, who, while deeply sensible of the injustice of religious establishments, and of the social and political evils to which they give rise, were yet chiefly influenced by religious considerations. Their views are clearly expressed in a resolution passed at the Conference at which the Society was formed, in April, 1844. It declared—

“That this Conference, while emphatically disclaiming all intention to assail any church apart from its connection with the State, is constrained by a deep sense of obligation to Jesus Christ, the sole head of the Church, to express its solemn determination to persevere in its opposition to the principle on which State-establishments of religion are founded; and, consequently, distinctly disavows the scriptural authority of all State-establishments of religion, and of all State-endowments of religion, under any of its denominations, and explicitly asserts the entire independence of the Church of Christ, which is to be secured only by the practical admission of the principle of self-support and self-extension, as imperatively demanded by the authority of the New Testament.”²

But that the members of the Conference took no narrow view of the question of Church establishments is apparent from the resolution which was adopted, as constituting the basis of the Association, namely:—

“That this Society be based upon the following principles:—That, in matters of religion, man is responsible to God alone; that all legislation by secular governments in affairs of religion is an encroachment upon the rights of man, and an invasion of the prerogatives of God; and that the application by law of the resources of the State to the maintenance of any form of religious worship and instruction is contrary to reason, hostile to liberty, and directly opposed to the word of God.”³

The motives and principles thus explicitly avowed by the founders of the Society are those of the great majority of its present supporters. The Society has, however, from the first, known no other bond of union than the desire to accomplish the one object at which it

¹ This was the original name of the Society now popularly known as the “Liberation Society;” its full title being “The Society for the Liberation of Religion from State-Patronage and Control”; the change of name having been made in 1853.

² *Proceedings* of the first Anti-State-Church Conference, p. 43. ³ *Ibid.*

aims—namely, the separation of Church and State, or disestablishment; and although, as the pursuit of that object has broadened into a great national movement, the purely political aspects of the question have necessarily come into greater prominence, the essentially religious character of the movement remains unchanged.

The marked change in public sentiment which has taken place on the question of Church Establishments, since the Society was formed, makes it difficult, at the present time, to realise the circumstances under which it began its work. It was then thought, not by Churchmen only, but by many Nonconformists, that the Society was entering upon a perfectly hopeless enterprise. It had, in fact, to create the public opinion by which alone it could succeed. In the course of the Reform Bill discussions of 1831 and 1832 there had been vehement attacks upon the Establishment, and Lord Grey was supposed to have menaced its existence by his celebrated warning to the bishops, to “set their house in order.” But this feeling soon spent itself, in so far as the public at large were concerned, in connection with the Church reform measures of the time—the reduction of the Irish Establishment, the partial rearrangement of the revenues of the English Establishment, resulting from the appointment of the Ecclesiastical Commission, and the passing of the Tithe Commutation Act. In fact, for some years before 1844, all thought of putting an end to the Establishment, and of aiming at an equality of civil rights for all citizens, irrespective of their religious opinions, appears to have wholly passed away.

It is true the favourite watchword of the Liberal party was “civil and religious liberty”; but the idea of “religious equality” was practically unknown. The Church Establishment was tacitly assumed to be a necessary part of our political system. Some politicians, indeed, appeared to be incapable of understanding that it was even possible the Establishment should cease to exist. For in 1847, when Mr. Miall contested Halifax with Sir Charles Wood (afterwards Lord Halifax), the Whig statesman asked, with an air of triumphant incredulity, “Can any man tell

me what he means by the separation of Church and State?"—evidently believing that no intelligible answer could be given to the question.

In the presence of such a state of public sentiment the Liberation Society for some years confined itself wholly to the work of teaching. The principles of the essentially spiritual character of the Christian Church; of its incompatibility with State-patronage and control, and of the necessary injustice of Church establishments, were freely promulgated, both from the platform and the press, and with a highly encouraging response from a constantly increasing portion of the nation. In dealing with Parliament, the Society, from the first, acted upon the policy suggested by the fable of "the faggot of sticks." Public opinion not being ripe for breaking the faggot whole, it set about breaking it stick by stick. In selecting its point of attack the Society has been guided by public opinion and the circumstances of the time. It has worked sometimes alone, and sometimes in connection with other public bodies, or with individuals, interested in the success of particular legislative proposals; and the result of this action has been a most gratifying measure of success.

Most of the more obvious and palpable "grievances" of which Nonconformists had to complain have now been swept away; and one after another the various outworks of the Establishment have been demolished. In Ireland the work has been completed by the actual disestablishment of the Church; and in Scotland, as well as in England and Wales, public opinion has been educated and prepared for the complete extinction of the Establishment system. In our colonies the success of the movement for religious equality has been still more decided. In India and in some of the smaller colonies, the system of State-aid to religion, in one or other of its forms, still survives. But in our great self-governing colonies, and many of the others also, all Churches have long since been placed on an equality before the law; and, as will be seen in a subsequent portion of this volume, with results so eminently beneficial as to tell powerfully in favour of the adoption of a similar course in the mother-country.

CHAPTER I.

ESTABLISHMENT AND DISESTABLISHMENT DEFINED.

ONE of the most curious features of recent discussions of the disestablishment question is the anxiety of some of the supporters of the Church of England to show that there really is no Established Church to be disestablished; or, that if any Church be established, all Churches are established alike.

The *Quarterly Review*, which supports the Church Establishment, describes these eccentric partisans on its own side as "indiscreet writers, who imagine that they are somehow defending the Establishment by denying its existence," and says their arguments are not only "historically unsound," but "laughably ineffective."¹ It is obvious, however, that the misconceptions of these writers are due to a confused idea of what is involved in establishment and disestablishment; and it is important, therefore, that those points should be made clear. The subject is dealt with more in detail in a subsequent chapter;² but much light is thrown upon it by the definitions of establishment and disestablishment which have been given by various writers of eminence.

Hooker's Theory of Church and State.—The well-known passage in the eighth book of Hooker's "Ecclesiastical Polity" is rather an assertion of the identity of the Church and the nation, and of the right of every citizen to be regarded as a member of the National Church, than a formal definition of establishment, as such:—

"We hold that there is not any man of the Church of England but the same man is also a member of the Commonwealth, nor any man a

¹ *Quarterly Review*, October, 1887, pp. 480.

² See p. 203.

member of the Commonwealth who is not also of the Church of England. . . . The Church and the Commonwealth, therefore, are in this case personally one society." ¹

In recent years attempts have been made in certain Acts of Parliament to restrict the membership of the Church of England for particular purposes to persons who declare themselves to be "*bonâ fide* members" of the Church. But that limitation is not recognised by the law generally, which, in accordance with Hooker's theory, treats every citizen as a member of the National Church. ²

Warburton's "*Alliance of Church and State*."—Bishop Warburton, in his "*Alliance between Church and State*," proceeds on totally different lines from those of Hooker. Instead of regarding Church and State as identical he describes them as two separate societies, "each sovereign and independent of the other," which enter into union for their mutual benefit. He says:—

"The care of civil society extends only to the body and its concerns, and the care of religious society only to the soul. It necessarily follows that the civil magistrate, if he will improve this natural influence of religion, must seek some form of union or alliance with the Church. . . . And the Church's province not extending to the body, and consequently being without coercive power, she has not in herself alone a power of applying that influence to civil purposes. The conclusion is, that their joint powers must co-operate thus to apply and enforce the influence of religion." ³

A variety of "motives" are assigned why the Church and the State should enter into such an alliance; one of them being that, as such an alliance would lay "an obligation on the State to protect and defend the Church, and to provide a settled maintenance for its ministers," the Church, "out of motives both of gratitude and interest," would be "most zealous in its labours for the service of civil government."

It will be seen that, in Bishop Warburton's view, the two main elements of the supposed "alliance" between

¹ *Ecclesiastical Polity*, Book viii., sec. 2. ² See *Membership of the Established Church*, p. 74. ³ *Alliance of Church and State*, p. 86.

⁴ *Ibid*, p. 102.

Church and State are (1) the application of the "coercive power" of the State to the purposes of the Church, and (2) the provision by the State of a "settled maintenance" for the ministers of the Church.

Paley's view of Establishments.—In Paley's view, a Church establishment comprehends three things—"a clergy, or an order of men secluded from other professions to attend upon the offices of religion; a legal provision for the maintenance of the clergy; and the confining that provision to the teachers of a particular Church." And he argues that—

"If any one of these things be wanting; if there be no clergy as amongst the Quakers, or if the clergy have no other provision than what they derive from the voluntary contributions of their hearers; or if the provision which the law assigns to the support of religion be extended to various sects and denominations of Christians, there exists no national religion or Established Church according to the sense which these terms are usually made to convey." ¹

What is meant by "a legal provision for the maintenance of the clergy" is clearly shown by its being described as "a public burden"; and it is argued that neither "pretences of conscience" nor "dissenting from the national religion" should be allowed as an excuse for not sharing in that burden.

Coleridge's "National Clergy."—In S. T. Coleridge's "Constitution of Church and State according to the idea of each," the National Church is, in the widest sense, a great civilising agency, in relation to which, Christianity is only "a blessed accident"; and its ministers, the "national clergy," comprehend the learned in all departments of knowledge and art, working together for the general good of the community.

But dealing with the actual Church, he says:—

"The National Church was deemed . . . a great, venerable estate of the realm, but now . . . it has been determined to be one of the many theological sects, churches, or communities, established in the realm, but distinguished from the rest by having its priesthood endowed *durante bene placito* by favour of the Legislature." ²

¹ *Moral and Political Phil.*, Book vi., chap. 10. ² *Constitution of Church and State*, 1830, p. 63.

It is clear that the word "established" in this passage has not the special meaning which is here discussed, and is equivalent to "founded" or "set up," as a tradesman's business is said to be founded or established. This is shown by the fact that in other passages Coleridge speaks of "*the Church established in this nation*," thus directly implying that there is only one Church so established; and by what follows the term in the passage quoted, where the Established Church is said to be distinguished from all other Churches "by having its priesthood endowed by the Legislature."

Dr. Chalmers's definition.—The definition of establishment given by Dr. Chalmers is very simple. He says:—

"We assume, as the basis of our definition for a religious establishment, or as the essential property by which to specify and characterise it—a sure legal provision for the expense of its ministrations. We are not saying at present whether the legal establishment of religion be a good or a bad thing, we are only telling what we understand such an establishment specifically to be; and saying, that wherever we have a certain legal provision for the maintenance of Christianity, there we have an establishment of Christianity in the land. It is this which forms the essence of an Establishment."¹

It is immaterial in Dr. Chalmers's view whether the "sure legal provision" comes from public or from private sources. Even though the provision should be wholly made by "private acts of liberality," the Church so provided for, he says, "is not less an establishment than if supported by a direct allowance from the national treasury." But, on the other hand, he claims that "even although the Church should be wholly supported by the State" it ought to be left "entirely unfettered by any dictation or control on the part of the civil authority."² Dr. Chalmers, however, speedily discovered that statesmen were wholly at variance with him as to what is involved in establishment; and it was that discovery which led to the disruption of the Scottish Establishment and the formation of the Free Church of Scotland in 1843.³

¹ *Lectures on National Churches*, 1838, p. 9.

² *Ibid.*, p. 12.

³ See chap. xi.

Mr. Gladstone's early views.—The work in which Mr. Gladstone, now more than fifty years ago, embodied his views on the question of Church establishments, “The State in its relations with the Church,” contains no formal definition of establishment, and the main argument of the book he has long since abandoned, as being no longer tenable. But it is important to note that, in discussing the question as an advocate of establishment, Mr. Gladstone throughout uses language which distinctly implies that one of the elements of establishment is pecuniary support from the State. Thus he insists on the “insufficiency of the voluntary principle”; on the need for “Government aid”; for “the assistance of the State,” and its “pecuniary support”; and he argues that it is within the right of the Government to aid in “the advancement of religion by devoting thereto the money of the State.”¹ In those early days, therefore, when Mr. Gladstone was an ardent supporter of Church establishments, his position on one point was substantially what it was in 1868, when, in proposing the disestablishment and disendowment of the Irish Church, he uniformly spoke both of the Irish and the English Church as “supported by the income of the State,” by “public or national property,” by “State endowments,” by “a great system of State-endowment.”²

Professor Freeman's explanations.—No writer is more frequently quoted by the supporters of the Church Establishment than Mr. Freeman, and it is important, therefore, to give what he has said on this subject at some length. In answer to the question “What is an Established Church?” Mr. Freeman, in his “Disestablishment and Disendowment,” says: “the popular notion seems to be” that, amongst other things—

“The Church receives a special protection, and a large measure of patronage from the State, while, on the other hand, it has to submit to a large measure of State-control. The State accordingly proceeds to “establish” the Church; to make it in a special way the Church of

¹ *The State in its relations with the Church*, 2nd edition, 1839, p. 41.

² Speeches in House of Commons, March 30th and May 7th, 1868.

the nation, while . . . all other religious bodies hold a less dignified and favoured position. The ministers of the Established Church hold a definite legal position which does not belong to the ministers of other religious bodies. In return for these favours the Church gives up a certain portion of its natural freedom. . . . The State exercises a power of legislating for the Established Church in a way in which it does not think of legislating for other religious bodies. Other religious bodies can settle their own forms and discipline as they please; they can legislate as they will for their own members. . . . But the ecclesiastical assembly of the Established Church cannot even enter on any business without a licence from the Crown; its decrees are not binding on the clergy themselves till they have received the royal assent, nor on the laity until they are further confirmed by Parliament. Meantime, Parliament can legislate in any ecclesiastical matter; it can alter ecclesiastical ceremonies and ecclesiastical discipline without consulting the ecclesiastical assembly at all." ¹

All this, and more (which it is unnecessary to quote), Mr. Freeman gives as being involved in the "popular notion," of what is meant by "establishment." He objects, however, that such a statement involves what he terms "the delusion" that there are "two distinct bodies called Church and State, which are capable of bargaining with one another," and various other misconceptions, as he regards them, on points of history. But, notwithstanding this, he distinctly says that the foregoing statement "by no means unfairly expresses the actual relations between Church and State in England." ²

And, having thus explained what is meant by "establishment," Mr. Freeman summarises what is involved in disestablishment by saying :—

"By disestablishment must be understood the repeal of all laws which, whether for purposes of privilege or for purposes of control, make any difference between the Established Church . . . and other religious bodies. . . . Disestablishment, to be fair, must cut both ways. If it abolishes privilege, it must abolish bondage. . . . To disestablish the now Established Church [is] to deprive it of the State-privileges, and to set it free from the State-control, which distinguish it from other religious bodies. . . . *The one essential thing is that disestablishment should cut both ways; that while it cuts away every shred of special privilege, it should also cut away every shred of special control.*" ³

¹ *Disestablishment and Disendowment*, pp. 26-29. ² *Ibid.*, p. 30.

³ *Ibid.*, pp. 56, 62, 64.

Lord Selborne, the "*Quarterly Review*," and the "*Guardian*."—Lord Selborne in his "Defence of the Church of England against Disestablishment,"¹ gives the following definition of establishment:—

"The establishment of the Church by law consists essentially in the incorporation of the law of the Church into that of the nation, as a branch of the general law of the nation, though limited as to the causes to which and the persons to whom it applies; in the public recognition of its courts and judges, as having proper legal jurisdiction; and in the enforcement of the sentences of those courts when duly pronounced according to law by the civil power."²

But even the *Quarterly Review* takes exception to this definition, as being both inadequate and misleading. "We mean more by establishment," it says, "than the recognition by law of the Church's jurisdiction," and, after mentioning several things which have to be added for any practical definition of the word, it says:—

"Every 'recognition' of the Church by the State is a part of establishment by law, for the State cannot act except by law, and establishment, therefore, represents the results of these recognitions, *whether they take the form of privilege granted to the Church, or of control asserted over her.*"³

The *Quarterly Review* agrees, therefore, with Mr. Freeman, that establishment consists essentially in privileges granted to the Church by the State, and in control exercised by the State over the Church. The *Guardian* (Oct. 12th, 1887) takes precisely the same view. It says:—

"The essence of establishment is the recognition of a right of interference in ecclesiastical matters on the part of the civil authority. An established Church in the modern sense of the term . . . is *simply a religious body to which the State concedes certain rights, dignities, and possessions not enjoyed by non-established Churches, and over which the State, in return for this concession, exercises an authority from which non-established Churches are free.* . . . The essential element of an established Church is everywhere the acceptance of control by the Church in return for advantages secured to her by the State."

¹ This work is intended as a reply to the first edition of "The Case for Disestablishment," and will frequently be referred to in the following pages. Except when otherwise stated, the references will be to the fourth edition.

² *Defence*, p. 10. ³ *Quarterly Review*, October, 1887 p. 481.

These passages from the two leading supporters of the Establishment system in the Press accurately describe in what establishment consists; and the *Quarterly Review* is equally explicit in describing what disestablishment means. It says :—

“The changes which are being agitated for under the name of disestablishment . . . apart from disendowment . . . are the repeal of all laws by which the Church of England, as such, has been helped or hindered, privileged or controlled; the removal of all official status and responsibility from the bishops and clergy; the abolition of Church courts as legal tribunals.”¹

The broader meaning of disestablishment.—In so far, therefore, as the Churches now established are concerned disestablishment means the withdrawal from them of all special State-favour, and the liberating them from all special State-control. But the term “disestablishment” has practically a broader meaning. In its larger sense it implies the definite abandonment on the part of the State of all attempts to regulate and control the religious life of the nation, and the practical admission that, wholly irrespective of religious belief, every citizen is entitled to an equality of civil rights. The question of disestablishment, therefore, is no petty dispute between Churchmen and Dissenters, but a great question of national policy; and the object of this volume is to show that the State-Church system is not only wrong in principle but injurious in its results, and that the abandonment of the system and the practical application of the principle of religious equality, will be equally advantageous to the cause of religion, and to the social and political interests of the whole community.

¹ *Quarterly Review*, October, 1887.

CHAPTER II.

THE RELIGIOUS ARGUMENT.

Now that disestablishment has become a question of practical politics, it is inevitable that its political aspects should occupy the most prominent place in the public discussion of the subject. But as the movement against Church establishments sprang from religious conviction, and is still largely, and in many cases almost exclusively, advocated on religious grounds, the religious argument against the Establishment system occupies the first place in this volume.

ARGUMENT FROM PRINCIPLE.

The fundamental objection to Church establishments is one of principle, which underlies both the religious and the political argument. It is clearly set forth in the resolution previously quoted from the proceedings of the Conference of 1844, which originated the disestablishment movement. The principle is that in matters of religion men are responsible to God alone, and that in founding or maintaining a Church establishment, the State steps beyond its proper province, and not only does violence to the rights of conscience, but invades the prerogative of God Himself.

It is not denied that in regard to the public exercise of their religious rights, by both individuals and communities, the State has a legitimate authority, and is bound to use it. It is bound, for example, so to frame its laws and exercise its authority as to secure to its subjects entire freedom of religious faith and worship; while carefully providing that the freedom so secured shall not be used

by any to the detriment of the rights of others. But all that directly concerns religion itself lies between the individual conscience and God alone, and no secular authority is entitled to interfere. "The whole jurisdiction of the magistrate," says John Locke, "relates only to civil concerns"; or as M. Guizot puts it, "Temporal affairs are the State's domain—spiritual affairs do not belong to it. It has neither the mission nor the right to teach religion, or to cause religion to be taught in its name." And the reason is obvious. The civil magistrate can have no proper authority in religion, because the only power which belongs to him is in its essence coercive, and coercion is inconsistent with the very nature of religion, and is really incapable of being exercised in its behalf. "The principle of State-religion," says Dr. Cunningham Geikie, "is force; that of Christianity love. The State is compulsion; Christianity persuasion. The sword and the shepherd's crook are contrasts, not allies. The sword is the symbol of earthly kingdoms; but Christ's kingdom is not of this world."¹

This principle was recognised at one time almost exclusively by Nonconformists, with whom it has always constituted one of the main grounds of their separation from the Church Establishment. But with the growth of spiritual life within the Church of England of late years, and the increasing sense of thralldom which the restrictions of the Establishment system have induced, a new light appears to have dawned on many of its members; and the great principle of the spirituality and independence of the Christian Church, and the incompatibility with it of the authority of the civil magistrate in matters of religion, is now almost as freely proclaimed within the Establishment as among the Free Churches. There is this marked contrast, however, between the utterances which come from without and those which proceed from within the Establishment. The Free Church position is that the principle which forbids the interference of the civil power with religion prohibits it as much from

¹ Lecture, 1866.

conferring favours upon the Church, as from placing it under restraint and control.

But within the Establishment, the position, tacitly assumed for the most part, is that, while the civil government ought on no account to interfere with the internal affairs of the Church, it may confer upon the Church any amount of favour and special privilege. In accordance with this view, demands are continually made for freedom for the Church of England to manage its own affairs, by those who most tenaciously cling to the special favours which the Church enjoys as a National Establishment. This, however, is clearly an inconsistency due to an imperfect apprehension of the principle involved; and Churchmen are slowly but surely learning the lesson, which other sections of the Christian Church learnt long ago—that spiritual independence is to be obtained only by the abandonment of everything in the shape of special favours from the State. Mr. Miall clearly foresaw that the time would come when Churchmen generally would recognise this truth; and his forecast of the result was that “one day we shall see that the Church will kill the Establishment.”

THE SCRIPTURAL ARGUMENT.

The argument from the Old Testament.—The supporters of Church establishments have sought in days gone by to justify their position by an appeal to the Scriptures. But that is a course which is now but rarely taken, and with good reason; for neither the Old Testament nor the New gives any real countenance to the Establishment system.

It is practically admitted, indeed, that there is no authority for an established Church in the New Testament, and recourse is therefore had to the Old Testament and the institutions of Judaism. But in all that concerns the Christian Church it is clearly not the Old Testament, but the New, which is the supreme authority. In reality, however, there is no more authority for Church establishments in the only forms in which they are now possible, in the Old than there is in the New Testament. The Church of

the Mosaic economy had nothing in common with the State-Church system as it now exists ; and, instead of furnishing any authority for that system, it contrasts with it, and by implication condemns it, in almost every particular. The Jewish Church, according to the Old Testament, was founded directly by God Himself, and was ordered throughout according to His express command. The nation was merged in the Church, and the whole administration of its affairs was placed in the hands of rulers chosen by God Himself, and they acted under His direct and immediate authority. It is clearly impossible in such an institution to find any warrant for a modern Church establishment ; which is a human contrivance, subordinate to the civil authority, and wholly governed by secular law.

Nor is anything gained for the cause of Church establishments by turning from the express provisions of the Jewish economy to what is recorded in the Old Testament, approvingly or without condemnation, as to the proceedings of the pious kings of Judah and other rulers in promoting the worship of God.¹ For such cases, if they prove anything, prove far too much, and sanction despotic government even more explicitly than they sanction Church establishments ; while by a similar process of reasoning to that which finds in them support for the Establishment system, the authority of the Bible may be pleaded for slavery, concubinage, polygamy, and even aggressive and exterminating war.

Nothing in the Old Testament is more frequently appealed to in support of the Establishment system than the fact that the giving of tithes for the support of the priesthood is enjoined by Divine authority. But the tithes of the Jewish economy were purely voluntary offerings. It is true that, according to the account in Leviticus (xxvii. 30, 34) the Hebrews were expressly required by God Himself to devote the "tithe of the land," and "the tithe of the herd and the flock" to sacred purposes, and

¹ 2 Chron. xvii. 7, 10 ; 2 Chron. xxxi. 20, 21 ; 2 Chron. xxxiv. 33 ; Ezra i. 2 ; vi. 8, 9, 10, 22 ; Ezra vii. 11-28, &c.

the withholding of the tithe was condemned as "robbery of God."¹ But there is no suggestion, from one end of the Bible to the other, that anything more than appeals to the conscience was permitted, in order to secure compliance with the divine command. The only case of compulsion in connection with the services of God which is mentioned in the Old Testament is that of the sons of Eli,² and in that the compulsion was not only unauthorised, but is emphatically condemned.

And this total absence of any authority for the use of force in connection with the Jewish tithe system is in perfect harmony with the accounts which are given of the means adopted to raise the Tabernacle in the wilderness,³ and to build the Temple at Jerusalem.⁴ In neither of these cases was any compulsion employed or permitted. On the contrary, in both alike, it was only from those "who gave willingly from the heart" that offerings for the work were allowed to be taken; and it is impossible to read the narratives without being struck with the reiteration and emphasis which are employed to mark the importance attached to the fact that all was to be done willingly and without constraint.

The New Testament argument.—But if Church establishments find no real sanction or support in the Old Testament, still less are they countenanced by anything contained in the New. Not a hint or suggestion can be found in the recorded utterances of Christ himself, the founder of the Christian Church, and its only Head and Lawgiver, which justifies its subjection to the control of the civil magistrate, or authorises its support by the coercive power of public law. On the contrary, all the teaching of the Saviour expressly, or by direct implication, condemns those essential elements of the Establishment system. The broad distinction which he drew between "the things that are Cæsar's" and the "things that are God's" (Mark xii. 17), the rebuke he administered to the disciples, who would have called down fire from heaven

¹ Mal. iii. 8. ² 1 Samuel ii. 16 and 17. ³ Exodus xxv. 2; xxxv. 5, 21-29. ⁴ 1 Chron. xxix. 1, 19.

upon the Samaritans that did not receive him (Luke ix. 55), his declaration as to the nature of the kingdom he came to set up (Luke xvii. 20, 21), as to those who were to compose it (John iii. 3), and those who should conduct its affairs (Luke xxii. 25-27), and his final declaration before Pilate (John xviii. 36) both as to the nature of his kingdom and his emphatic repudiation of the use of force in its behalf, all point to the conclusion that the Christian Church, as it was founded by its Lord, is wholly different from what it necessarily becomes when it is converted into a political establishment.

And the teaching of Christ himself in this respect pervades the entire New Testament. The idea of the Church being an institution regulated by public authority, and deriving the means of its support from forced contributions from the community at large, is wholly foreign to its pages; which uniformly represent it as a purely spiritual body, governed by its own laws, and sustained solely by the spontaneous offerings of its own members—each and all of whom give as God has prospered them, and as they are moved by the Spirit of God to aid in the support and extension of his kingdom. In this representation of the Christian Church by Christ himself and his immediate followers, there is not only no sanction given to the Establishment system, but by direct implication it is condemned and forbidden.

PRACTICAL RELIGIOUS OBJECTIONS TO CHURCH ESTABLISHMENTS.

This condemnation of the Establishment system, which is based on its violation of sound principle and its conflict with the teaching of the Bible, is emphasised and enforced by the practical religious evils to which the system gives rise.

1. *The establishment of the Church deprives it of the power of self-government.* In the case of the English Church this deprivation is absolute and complete, and its far-reaching consequences are of the most disastrous character. The Church, as a Church, is bound hand and

foot by its connection with the State, and practically can do nothing for itself. It cannot appoint its own officers, regulate its own services, or extend its organisation, or effect the most necessary reforms, simply because as an Established Church it is bound by State-authority, and statutes of the realm.

The archbishops and bishops and other dignitaries of the Church are the nominees of the Crown, and have often been appointed, and may be again, with but little regard for the welfare of the Church, and mainly to suit the political convenience of the prime minister of the day. The parochial clergy are appointed, not by the people to whom they minister, or by the Church as a body, but by the "patrons" of "livings," who may be, and often are, utterly unfit to be entrusted with the duty of selecting the spiritual guide of a whole community.¹ What is worse, by an abuse of this system of patronage, which has lasted for ages, and seems practically incurable so long as the Establishment endures, a large proportion of these patrons regularly sell their patronage rights; so that, as the Bishop of Liverpool says, "a cure of souls can be sold like a flock of sheep or a drove of pigs."²

And the Established Church has no more liberty in ordering and regulating its public services than it has in the appointment of its chief officers. The Book of Common Prayer is a schedule to the Act of Uniformity of 1662, and not a jot or tittle of it can be altered without another Act of Parliament. The Scripture "lessons" which are read in the public services of the Church are all prescribed, chapter and verse, by Act of Parliament (34 & 35 Vict. c. 37, 1871), and in 1872, when a desire was widely felt for shorter and simpler services for special occasions, it was again by Act of Parliament (35 & 36 Vict. c. 35) that the change was made. And it is only in this way that any change can be made in the Church's organisation or methods. "Nothing can be done," as the Bishop of Liverpool says, "without an Act of Parliament"; or, as Dr. Perowne, now the Bishop of Worcester,

¹ See *Church Patronage*, p. 118. ² *Church Reform Papers*, p. 164.

has forcibly said, "We *must* go to Parliament, simply because we are an Established Church."¹

In nothing, perhaps, has the loss of liberty which the Church suffers, as the result of its establishment, been more injurious to it as a spiritual body than in its impotence in the matter of "godly discipline." The discipline of the clergy is provided for by law. But it will be seen in a later chapter,² that while the Establishment system is so lax as to afford no adequate security that only suitable men shall be admitted to the ministry of the Church, owing to the fact that the clergy have a "freehold" in their livings, the greatest difficulty has been experienced in removing unfit men from their position, and clerical discipline has, in consequence, always been most imperfect. In the case of the laity, however, matters are far worse; for, practically, there is no discipline at all. The Dean of Llandaff (Dr. Vaughan) admits that although the Church at Lent regularly prays for the restoration of discipline, "every year makes us feel more and more strongly that the thing is impossible"³; and Canon McColl, in a paper read at the Newcastle Church Congress (1881), gives the reason:—

"The Church herself once a year solemnly and publicly deplores her loss of discipline, and pleads for its restoration. But she pleads in vain as long as the connection between Church and State subsists. The law assumes that the Church is coextensive with the nation. In matter of fact, however, a large proportion of the nation yield no allegiance to her authority or laws, but claim, nevertheless, their legal rights of membership whenever it suits their purpose to do so. The result is a relaxation of discipline to such a degree that it has practically ceased to exist."⁴

2. *The establishment of the Church also demoralises it, and diminishes its spiritual power.*—It is sometimes urged that the union of Church and State tends to make the State religious. But the result has commonly been, not to make the State religious, but to make the Church corrupt and indifferent to its sacred duties. It was this aspect of the subject which largely influenced the Hon.

¹ Speech at Westminster, February 5th, 1890. ² See pp. 104, 110, 115.
³ *Revision of the Liturgy*, p. 72. ⁴ *Official Report*, p. 175.

and Rev. Baptist Noel in seceding from the Establishment in 1848; and in his "Essay on the Union of Church and State," he points out in detail how greatly the Church as a spiritual body is injured by the connection. In many respects, no doubt, the Church has greatly improved since Mr. Noel's time; but he was exceptionally well placed for judging of what he calls the "disastrous influence" of the Establishment; and much of what he says is as true to day as it was in 1848.

(a) *Effects on the Bishops.*—Referring to the effects of the Establishment system on the bishops, Mr. Noel says:—

"They are first put by the State in the possession of a palace and £5,000 per annum;¹ in the next place they are made peers, and then are tempted to make themselves accomplished politicians and skilful debaters by being called to share in the numerous politico-religious debates which now occupy the attention of Parliament.

"The State has laid another snare for each prelate. As if wealth and dignity, aristocratic association, and political excitement were not sufficient obstacles to his humility and spirituality of mind, it has surrounded him with numbers of needy clergymen, and invested him with a large amount of patronage,² which, while it tends to depress the clergy into a degrading servility of temper, tempts the prelate to undue self-exaltation, and is likely to create in him an imperious and arbitrary temper towards those who so much depend upon his favour for their subsistence.

"On the other hand, the State has thrown in his way an opposite temptation to servility towards the ministers of the Crown by offering him the prospect of translation to a richer see, and by visions of Lambeth and of Bishopsthorpe, where he may feel on a level with the proudest of the realm" (pp. 266-269).

"The smile of a statesman," Mr. Noel adds, "has made [the bishop] at once a peer, the master of a palace, the owner of a lordly revenue, the successor of Apostles. If a man under these circumstances is not deteriorated, he must have extraordinary wisdom and virtue" (p. 274).

(b) *Effects on the Clergy.*—The "injurious influence" of the Establishment upon the clergy generally is, according to Mr. Noel, no less marked. "The torpedo touch of the State," he says, "has paralysed them."

¹ The recently created bishoprics have endowments of only £3,000 or £3,500 a year. ² For the patronage of the bishops, see p. 121.

"Individual ministers may, through divine grace, overcome in some degree the influence of the system under which they live; but a legal income, the prospect of preferment, wealth, and dignity, the ubiquitous influence of the State-supremacy, multiplied restrictions upon evangelical zeal, with unrestricted liberty to be indolent, dependence upon worldly patrons, and the possession of exclusive prerogatives, must ever hinder the incumbents of England from being zealous evangelists to the community at large" (p. 281).

And Mr. Noel justifies this general statement by a detailed examination of the position of the clergy, and of the consequences which it entails. In respect to some of the clergy, he describes the positions they hold as "Not only relaxing the ties which ought to bind the pastor to his church, but also poisoning their minds with a secular cupidity most unfavourable to spirituality or devotedness" (p. 288); while of the clergy as a body he says:—

"Chosen by peers and squires, by colleges and church corporations, by chancellors and State-made prelates, many are made pastors by a corrupt favouritism, many are allured to an uncongenial employment by the income which it offers them, and many embrace the profession of a pastor because they are too dull, inert, or timid for any other" (p. 311).

Mr. Noel closes with a portrait, which is still in many cases true to the life, of a young clergyman, "the legal pastor of the parish exclusively patronised by the State," who "has been thrust upon the parish in order to secure the family living"—

"Without talent, knowledge, or piety, he is almost sure to protect himself against his Nonconformist rival by lofty pretensions; boldly and blindly denounces Dissent as schism, and thus unites with his timid servility to the great an arrogant exclusiveness toward the disciples and ministers of Christ" (p. 322).

It will be observed that in all this, Mr. Noel's condemnation is directed, not against what are called the "abuses," but the normal working of the Establishment system. Mr. Noel was, of course, an Evangelical, but Bishop Selwyn, a High Churchman, took substantially the same view. In a sermon preached before the University of Cambridge, in 1855, he asks:—

"But was the Church alive to the evil consequent upon connection with the State? It was not so much the danger of interference with

her doctrines, or of control over her courts, or of abuse of her patronage, or of confiscation of her revenues. But it was the danger that the secondary motives to action should be put in the place of the highest; that preferment should be more thought of than the love of souls; that court favour should be more valued than the praise of God; that the Gospel should be preached to the rich more willingly than to the poor; that permanent endowments, and secular rank, and domestic ease, should abate the fervour of ministerial zeal." ¹

And that these evil influences continue still is admitted. "It cannot be denied," said Bishop Harvey Goodwin, at the Newcastle Church Congress, "that the connection between Church and State is likely to make the 'profession of the church' sought by some on grounds of mere respectability, to give opening for the worldly consideration of providing for younger sons or the fool of the family, to lower the spiritual tone of that which must be spiritual if it have any real value." ²

3. Another of the evil results of the Establishment system is that *it checks and discourages the liberality of Churchmen for religious purposes*. All religious endowments have more or less the effect of checking individual liberality; but that result is almost inevitable when provision is made for the maintenance of religion by public property.

It is not forgotten that in recent years there has been a remarkable development of Christian willingness within the Church of England. But this great liberality has mainly been shown in connection with the endowment of new episcopal sees, and the erection of new churches, and gives evidence rather of the wealth of the richer friends of the Establishment than of the liberality of the general body of its adherents, for the ordinary purposes of Christian work. It has, moreover, been in part necessitated by the cessation of all State-aid for the purposes specified. The Legislature has ceased to make grants of public money for the building of churches, and it rigidly insists that the expense of founding new episcopal sees shall be met by voluntary contributions. In order, therefore, to extend its operations in these directions, the Church of England has been obliged, like other religious

¹ *The work of Christ in the World*, p. 27. ² *Official Report*, p. 164.

bodies, to appeal to the zeal and liberality of its own adherents ; and the response has been such as to make it evident—if it were otherwise possible to entertain a doubt upon the subject—that the English Church is not likely to suffer from lack of funds, when it ceases to draw any portion of its resources from public property.¹

But all this leaves untouched the question whether there is not a tendency in the Establishment system to check the liberality of Churchmen for religious purposes generally ; and on that point the admissions of Churchmen themselves are conclusive. Lord Selborne, it is true, disputes that establishment has this effect ;² and quotes certain facts in support of that view. On the other hand, Bishop Harold Browne, at the Carlisle Church Congress (1884), stated that “the want of willingness on the part of the laity to give liberally for Church work,” is “one of the great evils connected with establishments” ; and he says : “it shows itself in the insufficient subscriptions to our missions and to other works of piety and love.” And the bishop traces the evil to its true source. Churchmen are unwilling to give liberally, he says, “because they have so much provided for them gratis” ; and because, further, of “the want of the constant lesson of giving, of self-sacrifice for the sake of conscience and truth.”³

The truth is, it has only been within comparatively recent years that Churchmen have been called upon to any large extent to pay for their religion. “It is marvellous,” said the *English Churchman*, in 1866, “how little the Church layman is called upon to pay for the support of his religion, and how little, for the most part, he does pay towards it.” “The voluntary system,” said the Dean of Lichfield, in 1875, “is a new feature in the

¹ Lord Selborne says :—“Upon the principles of the *Case for Disestablishment*, the Church can *never* cease to draw its resources from public property ; because, upon those principles, the mere fact of property being given to the Church makes it public.” (*Defence*, p. 263.) But that is not so. It is only of the Church as a *National Establishment* that that principle is asserted ; and after disestablishment the property which the Church may acquire will be no more public property than is that of the existing Free Churches.

² *Defence*, p. 264. ³ *Official Report*, p. 551.

history of the Church of England.”¹ The result is, as the Bishop of Liverpool told his Diocesan Conference in 1883, that Churchmen “require to be educated in giving money to the Church and the cause of Christ”; and the Bishop added: “When he knew what Nonconformists were doing, when he saw the wealth of the Church of England, he could not but think how little was given by Churchmen for religious objects and the cause of Christ. He felt that upon this question Churchmen wanted educating as to what liberality should be.”

To the same effect is the statement of the *Church Times* a few years since that—“In view of the future disendowment of the Church, the first duty of her sons is to learn how to give.” And quite recently a correspondent of the same journal (who says he has “for years taken considerable trouble to get at a fair estimate of the extent of the evil”) declares that “about seven-tenths of the members of the Church give practically nothing.” And the writer adds: “Were it not for the handle that such information gives to the Church’s enemies, I could cite cases which are simply appalling.”²

Still more emphatic is a statement of the Rev. Bryan King, vicar of Avebury, Wilts, in a remarkable pamphlet published in 1883, entitled, “Disestablishment the present hope of the Church.” He says:—

“No people contribute so little to the support of their religion as the members of the English Church. . . . Their contributions in support of the ministry of the Church is absolutely *nothing* when compared with the contributions of the members of the different religious sects. . . . I must insist that all this miserable parsimony is the effect of that deadening paralysis of establishment in which they have been nurtured, and which meets us at every turn and every step.”³

The late Dean Alford goes further; he not only recognises that the establishment of the Church is the “chief

¹ Speech at meeting of Additional Curates Society.

² *Church Times*, January 1st, 1892. This writer says of these non-givers that “their names never appear in any subscription list, and their entirely involuntary ‘offerings’ in the bags consist of mere pence and halfpence, and desultory shillings and sixpences from many who are absolutely rolling in wealth.”

³ *Disestablishment, &c.*, p. 11.

hindrance to the liberality of Churchmen," but he argues that disestablishment and disendowment will greatly promote that liberality. He says: "The chief hindrance to the liberality of Churchmen for Church purposes now is the semblance of self-sufficiency which the Church has put on by reason of her union with the State. Remove this hindrance, and the fountain of private liberality will flow as it has never flowed before."¹

In the face of such testimony it is impossible to doubt that the Establishment system does discourage the liberality of Churchmen; and there is good reason to believe that for all directly religious purposes, even financially, the Church will practically gain rather than lose by disestablishment.

4. *The Establishment hostile to Christian Union.*—One of the strongest arguments against the Establishment system is that it violates the spirit of Christian brotherhood, and renders any cordial co-operation in religious work between the Church favoured by the State and other Churches well nigh impossible. The Church at large is thus divided and weakened, and its power for good greatly diminished.

The Bishop of Southwell (Dr. Ridding) has truly said :—

"We cannot exaggerate the loss to the great Christian warfare caused by the loss of unity between the Church and Nonconformity. Its disastrous effects are patent everywhere. The principal evil is the distraction of spirit which wastes the energies of good people upon divisions, which, but for those divisions, would be devoted to the great duty of Christians—the warfare against sin and misery."²

The Bishop adds, "People sometimes speak as if this was all the fault of the Church, but that is not true." No; it is not "all the fault of the Church," but it is very largely the fault of the Establishment; which aggravates and embitters religious differences, and practically separates the Christian community into two hostile camps; the one fighting to retain the unjust privileges which establishment confers, and the other to obtain that equality of

¹ *Essays and Addresses*, p. 180.

² *Guardian*, June 6th, 1888.

civil rights which they are now denied. It is inevitable that this should be the case so long as the Establishment exists ; and its effects, therefore, are, not only to prevent all possibility of Christian union on a large scale, but to aggravate and intensify the tendency to separation and exclusiveness which arises from other causes, and to give to it an added element of bitterness.

The Rev. Canon McColl points out another aspect of the same evil. Speaking at the Newcastle Church Congress in 1881, as a clergyman to clergymen, he said :—

“Our privileged position, as, in a sense, State-officials, has a tendency to infuse imperceptibly something of the spirit of Pharisaism into the character of the clergy, by which I mean the spirit which looks with scorn on those who are outside the privileged circle. I sometimes read and hear language applied to Dissenters by clerical speakers and writers which seems to me to breathe the very spirit of him who thanked God that he was not as other men were, nor even as this publican.”¹

The spirit here described, and rightly attributed to the baneful influence of the “privileged position” of the clergy, has greatly increased of late years, and in the rural districts especially it displays itself in an arrogant and narrow sectarianism which is hostile to the very existence of religious liberty.

5. *Establishment tends to persecution.*—The truth is, State-Churches have always and everywhere been persecuting Churches, and, according to the measure of their power, have striven to stifle and repress everything contrary to their own distinctive teaching and exclusive privileges.

It is unnecessary to go back to past times, or to other countries, in proof of the fact. The petty persecution, and the more serious social oppression, of Nonconformists in the rural districts of England and Wales at the present time are evidence enough. No one who is at all familiar with the village life of England can be unaware that this modern persecution has long been operating to the detriment of Nonconformity, and that in many parts of the country it has been so severe that Nonconformity has

¹ *Official Report*, p. 179.

hardly been able to maintain its existence. The late Dr. Gervase Smith, a former president of the Wesleyan Conference, many years since stated that, to his personal knowledge, there were hundreds of English parishes in which religious liberty practically had no existence, and where Methodists, simply because they were Methodists, were continually exposed to the most galling and harassing treatment. The late Rev. Hugh Stowell Brown, of Liverpool, bore similar testimony as to the treatment of the Baptists; and Dr. Dale, of Birmingham, and the late Dr. Conder, of Leeds, have more than once pointed out that Congregationalists also suffer in like manner, and that this social oppression, carried on in the interest of the Church Establishment, is leading to the actual extermination of Nonconformity in some districts.

But until comparatively recent times this crusade against Nonconformity, in the interests of the Church Establishment, was carried on by means which were almost exclusively social and secular. It was by the denial of all benefit to Nonconformists from the local charities, the withholding of custom from Nonconformist shopkeepers, the refusal of farms to Nonconformist farmers, and by other means of that character, that Dissent has always been marked out as an offence and punished. But with the recent development of sacerdotalism in the Establishment, practically a new element has been imported into the warfare. The old methods of punishing Nonconformists in their material interests are continued; but now, in addition, the "parish priest" appears upon the scene, armed with the terrors of the spiritual world; and Nonconformists are told that they are guilty of "schism," and that schism is a deadly sin, which places them outside the pale of salvation.

It is bad enough that Nonconformists should be subjected to social pressure and worldly loss for their fidelity to principle; but it is immeasurably worse that their deepest religious convictions should be outraged and insulted by the men who are invested with legal authority and influence as ministers of the National Church. The attempt of the rural clergy to wield this spiritual terrorism

is an abuse of the public position they occupy; which neither law nor reason can justify, and has done much to produce that strong revulsion of feeling against the Church Establishment in the rural districts, which is one of the most noticeable features of the present time.

6. *The Establishment hostile to Protestantism.*—This brings into view another argument on the religious side of the question which at the present time is very influential in alienating from the privileged Church the sympathies of a large number of those who have hitherto supported it. The Establishment has always been defended as the “bulwark of Protestantism,” and there can be no doubt that the security which it has been supposed to give against the advances of Romanism has in past times been one of the main sources of its strength. But the revolution which has taken place within the Establishment in recent years has not only destroyed whatever force there may once have been in that argument, but has made it obvious that the greatest danger to Protestantism now lies in what is being said and done, with the connivance or open encouragement of the archbishops and bishops, in the Church of England itself. By a large section of the clergy indeed, the very name of Protestant is now repudiated; and the *English Churchman* (May 23rd, 1890) declares that nearly every bishop on the bench is hostile to Protestantism.

There is no dispute as to the facts of the case; and Cardinal Vaughan, the Roman Catholic Archbishop of Westminster, thus enumerates the principles and practices of the Roman Catholic Church which are now widely adopted in the English Establishment:—

“The very Establishment which was set up in rivalry to the Catholic Church, with a Royal supremacy triumphantly pitted against a Papal supremacy—that very Establishment had changed its temper and attitude. Its bishops, ministers, and people, were busily engaged in ignoring or denouncing those very Articles which were drawn up to be their eternal protest against the old religion. The sacramental power of orders, the need of jurisdiction, the Real Presence, the daily sacrifice, auricular confession, prayers and offices for the dead, belief in purgatory, the invocation of the Blessed Virgin and the Saints, religious vows, and the institution of monks and nuns—the very doctrines stamped in the Thirty-

nine Articles as fond fables and blasphemous deccits, all these were now openly taught from a thousand pulpits within the Establishment, and as heartily embraced by as many crowded congregations. Nay, more, the statue of the Blessed Virgin had been put up with honour over the principal side entrance to Westminster Abbey, and she had recently been enthroned under the great dome of St. Paul's. Though there were 20,000 ministers and preachers throughout the land pledged by their profession to denounce the Catholic Church, they found the Archbishop of Canterbury claiming with eager jealousy Catholic descent and continuity with the Church of St. Gregory, St. Augustine, St. Anselm, St. Thomas, and St. Edmund. Societies were formed, tracts and books were written, and lectures were delivered all over the country, to prove to the public that the past 300 years had been a dismal mistake, and that the Church of England after all was not a Protestant Church, but the true hereditary Catholic Church and nothing less."¹

It is not surprising that in this state of affairs (aggravated as it now is by the formal sanction given by the judgment of the Privy Council in the Bishop of Lincoln's case, to certain Romish practices which had previously been declared illegal) many of those who were once zealous supporters of the Church Establishment have become indifferent or positively hostile to its continued existence. The Bishop of Gloucester years ago declared that the Romanising party within the Church of England were "digging the grave of the Establishment"; and the Bishop of Liverpool now says that there are many Churchmen who, while "for a Protestant Establishment they would fight to the last, for a semi-Popish Establishment I doubt if they would strike a blow."²

It is outside the scope of this volume to enter into any discussion as to the merits or the demerits of either Protestantism or Roman Catholicism. But it is undeniable that the overwhelming majority of the British people are deeply attached to the Protestant faith, and look upon it as the parent and guardian of their liberties, civil and religious; and there can be little doubt that when once they recognise the fact that the Establishment, so far from being a "bulwark of Protestantism," is now a training school for Rome, its day of doom will be close at hand.

¹ Address at meeting of the Catholic Truth Society, 1890.

² Address at Diocesan Conference, October 25th, 1892.

CHAPTER III.

THE POLITICAL ARGUMENT.

THE same fundamental objection to Church Establishments applies, as already stated, to both the political and the religious side of the argument. It is based upon the principle that the care of the religious interests of the people forms no part of the duty of civil governments. And as, in interfering with religion, governments necessarily step beyond their own proper province, invade the prerogative of God, and do violence to the rights of conscience, so they infringe upon the civil liberty of the citizen, and deny to him the full enjoyment of his political rights.

CHURCH ESTABLISHMENT NECESSARILY UNJUST.

The very existence of a Church Establishment is, therefore, of necessity a political injustice. And the English Establishment was at one time surrounded and buttressed by so many safeguards that, until comparatively recent times, all who refused to submit to its authority were deprived of half their civil rights.¹

But the removal of these civil disabilities only diminished, it did not put an end to, the injustice of the Establishment system. Nor does that injustice consist in the

¹ No one who did not take the sacrament of the Lord's Supper in his parish church could, before 1828, hold any civil or municipal office. Up to 1829 no Roman Catholic, and up to 1858 no Jew could enter Parliament. Before 1836 no one could be married elsewhere than at the Established Church; and not until 1880 could Dissenters be buried with their own services in parish churchyards. The public Grammar Schools were closed against the children of Dissenters until 1860, and it was not until 1870 that the Universities were rendered "freely accessible to the nation." (See also chap. xv.)

circumstances that the Churches established are the Churches of only a minority of the population, and that they are largely supported by public property. Those facts aggravate the injustice of establishment, but do not constitute the essence of that injustice. It is establishment itself, apart from these accidents, which is incompatible with the principles of justice.

The State represents the whole community, and acts justly only when it deals on equal terms and with strict impartiality with every subject of the realm. In effect this principle is generally admitted. Lord Beaconsfield (when Mr. Disraeli), for example, said :—

“I hold that civil equality—that is, equality of all subjects before the law—a law which recognises the personal rights of all subjects—is the only foundation of a perfect commonwealth.”¹

Mr. Gladstone has still more emphatically insisted on the same principle. In his speech on the Affirmation Bill, on May 3rd, 1883, he said :—

“We will take care that full justice, nothing more and nothing less, shall be awarded to every citizen of England. . . . I am convinced that on every religious ground, as well as on every political ground, the true and the wise course is not to deal out religious liberty by halves, quarters, and fractions, but to deal it out entire, and to make no distinction between man and man on the ground of religious difference from one end of the land to the other.”

This argument is fatal to Church establishments; for the establishment of a Church, whatever may be the form the establishment takes, is the conferring of some favour upon the Church by the authority of the State; and for the State to confer favour upon one part of the community, on the ground of its religious faith and worship, is to violate the fundamental principle of equality, and to be guilty of injustice to every other part. Archbishop Magee frankly admits that the Establishment is “founded on the principle of religious inequality”;² and Bishop Harvey Goodwin contends that establishment is “an infinite advantage to the clergy.”³ But, however that

¹ Address to students of Glasgow University, Nov., 1873.

² *Charge*, 1875, p. 20.

³ Address at Leeds, November, 1877.

may be, it is enough to insist that "inequality" under such circumstances is only another name for injustice; and that the measure of the "advantage" on the one side is the measure of the injustice on the other.

THE ESTABLISHED CHURCH HOSTILE TO LIBERTY.

It has sometimes been urged that the English Establishment is the parent and guardian of public liberty; but that is in direct conflict with the testimony of history.

The historian Hume, writing of the Tudor period, says: "So absolute was the authority of the Crown, that the precious spark of liberty had been kindled and was preserved by the Puritans alone; and to this sect the English owe the whole freedom of their constitution." Lord Macaulay is equally explicit. Referring to the times of the Stuarts, he says:—

"The Church of England continued to be for more than a hundred and fifty years the servile handmaid of monarchy, the steady enemy of public liberty. The divine right of kings, and the duty of passively obeying all their commands, were her favourite tenets. She held these tenets firmly through times of oppression, persecution, and licentiousness; while law was trampled down; while judgment was perverted; while the people were eaten as though they were bread. Once, and but once, for a moment, and but for a moment, when her own dignity and prosperity were touched, she forgot to practise the submission she had taught."¹

Mr. Lecky also in his "History of Rationalism" says:—

"It is to Puritanism that we mainly owe the fact that in England religion and liberty were not dissevered; amongst all the fluctuations of its fortune it represented the alliance of these two principles, which the predominating church invariably pronounced to be incompatible.

"The attitude of this latter church forms indeed a strange contrast to that of Puritanism. Created in the first instance by a court intrigue, pervaded in all its parts by a spirit of the most intense Erastianism, and aspiring at the same time to a spiritual authority scarcely less absolute than that of the church which it had superseded, Anglicanism was from the beginning at once the most servile and most efficient agent of tyranny; endeavouring by the assistance of temporal authority, and by the display of worldly pomp, to realise in England the same position as Catholicism had occupied in Europe, she naturally flung

¹ *Essays*, vol. i., p. 60 (pop. ed.).

herself on every occasion into the arms of the civil power. No other church so uniformly betrayed and trampled on the liberties of her country. In all those fiery trials through which English liberty has passed since the Reformation, she invariably cast her influence into the scale of tyranny, supported and eulogised every attempt to violate the constitution, and wrote the fearful sentence of eternal condemnation upon the tombs of the martyrs of freedom.”¹

To the same effect is the testimony of Mr. John Morley, who says:—

“There is not a single crisis in the growth of English liberties in which the State-Church has not been the champion of retrogression and obstruction. Yes, there was one. In 1688, when her own purse and privilege were threatened, she did for a short space enlist under the flag which the Nonconformists had raised in older and harder days; immediately after, when with their aid and on their principles the oppressor had been driven out, she reverted by a sure instinct to her own base doctrines of passive obedience and persecuting orthodoxy. Yet this is the brightest episode in her political history. In every other great crisis she has made herself the ally of tyranny, the organ of social oppression, the champion of intellectual bondage.

“Nobody pretends that the State-Church alone is answerable for all the iniquities and follies of legislation and policy in which she has taken a leading part during the three centuries of her existence. The active leaders of the State-Church had no monopoly of intolerance, or coarseness, or ferocity, or hatred of light. No one asserts anything so extravagant as this. What is true, and a very important truth, is that the State-Church has never resisted or moderated these coarse, ferocious, intolerant, and obstructive political impulses in the nation; that, on the contrary, she has stimulated and encouraged them, and where she could, has most unflinchingly turned them to her own profit.”

Mr. Morley freely admits that the Establishment has not been wanting in “high forms of spiritual life or noble sons”; but he adds:—“Alas! they have been too few and too weak. Their names are rightly held in honour among men of all persuasions, but they have been neither numerous enough nor powerful enough to turn aside the verdict of the impartial student that the political history of our episcopal establishments, alike in England, in Scotland, and in Ireland, has been one long and unvarying course of resolute enmity to justice, enlightenment, and freedom.”²

¹ *History of Rationalism in Europe*, vol. ii., pp. 193-4.

² *Struggle for National Education*, pp. 3, 5, and 6.

THE ESTABLISHMENT OPPOSED TO PROGRESS.

The experience of recent times is in harmony with these lessons of the past; the clergy of the Established Church having, with but few exceptions, acted as a standing army of obstructives, which, to the extent of its power, has resisted almost every forward movement. "There is no trace in our modern history," says Mr. Bright, "of the influence of the bishops, or of the clergy, in favour of those great reforms which we now look back upon with intense satisfaction," and he added, "the Establishment does nothing to guide the State in the ways of righteousness."¹

Lord Selborne endeavours to meet this grave impeachment of the Established Church, both in past and present times, by saying that the statements quoted are marked by "a bitterness and virulence which goes far to answer itself, by the indication which it affords of hostile motive."² But such an answer is futile in view of the fact that the complaint against the Establishment comes quite as strongly from its friends as from its foes. No more zealous Churchman or supporter of the Church Establishment could have been found than Dr. Arnold, of Rugby, and yet be said fifty years ago:—

"It is vain to deny that the Church of England clergy have been a party in the country from Elizabeth's time downwards, and a party opposed to the cause, which, in the main, has been the cause of improvement."

At the Newcastle Church Congress (1881) the Rev. T. J. Lawrence spoke still more plainly. He said:—

"No one can read the history of the last two hundred years without coming mournfully and sadly to the conclusion that the clergy of the Established Church, as a body, have resisted most of the great political and social reforms that have made the country a fit place to live in."³

¹ Speech at Metropolitan Tabernacle, 2nd May, 1883.

² *Defence*, p. 308.

³ *Official Report*, p. 181.

And at the Carlisle Church Congress (1884) Mr. George Harwood, of Bolton, the author of a work in support of the Establishment, said—

“It makes one almost sink with despair to reflect that during this century the influence of the Church of England, in so far as it has publicly manifested itself, has for the most part been nearly always on the wrong side; on the side of privilege against right, on the side of ignorance against knowledge, on the side of restriction against freedom, on the side of the few against the many . . . I will not go into details, but I venture to guess it is true of Cumberland, as I know it is true of Lancashire, that in almost every political conflict the great bulk of the clergy are found on one side, and that the side least associated with sympathy for the people.”¹

And much to the same effect is the statement of Archdeacon Farrar, in a sermon at St. Margaret's, Westminster (February 14th, 1892), that—

“To us English Churchmen, to me, at least, it is a humiliating lesson to observe how few of the great moral and humanitarian reforms were wrought by English Churchmen; how our bishops and clergy have been often lukewarm or hostile to changes which were asked for the advance and happiness of the human race; how there is scarcely one English clergyman whose name has been immortally identified with the maiming of monsters, the slaying of dragons, and the casting out of devils.”

Here is ample testimony to the truth of the charge that Lord Selborne disputes, and testimony which it cannot be alleged is prompted by “hostile motive.”

Resistance to reform.—But there is no difficulty in substantiating the general statement as to the opposition of the Church Establishment to most of the great measures of reform of recent times, by reference to particular instances. It is notorious, for example, that the abolition of the slave trade and of slavery owed next to nothing to the bishops and clergy, but, as Sir W. Harcourt has insisted,² was mainly due to the Nonconformists. Sir Samuel Romilly, in his diary (May 30th, 1810) complains of the servility to the Government of the bishops in the House of Lords, in attending the House to throw out his Bill for the abolition of the death penalty for stealing

¹ *Official Report*, p. 597.
February 23rd, 1892.

² Speech in House of Commons,
³ *Life*, Pop. ed., vol. ii., p. 150.

property from shops to the value of five shillings. The movement for Catholic Emancipation was resisted in the same way; the Bishop of London, in 1821, opposing the measure expressly on the ground that it would be dangerous to the Established Church. It was the same with respect to the first great movement for Parliamentary reform in 1831-2. Canon Molesworth, the historian of that movement, and himself a clergyman, says—

“The clergy, remembering the fate of the French Church, were almost unanimous in their hatred of the proposed innovation. Already highly unpopular, partly on account of the determined opposition which, as a body, they had offered to every proposal for the extension of civil and religious liberty, and partly on account of the vexations and disputes attendant on the collection of tithes, they rendered themselves still more odious by their undisguised detestation of the new measure, which the nation fondly and almost unanimously desired.”¹

The opposition to Jewish emancipation was equally bitter; the Archbishop of Canterbury (Howley), in 1833, resisted the proposal to admit Jews to Parliament, on the insulting ground that the “moral and intellectual capacities of the Jews were not such as to entitle them to any share in the Legislature.”

In the agitation for the repeal of the Corn Laws the bishops and clergy were almost unanimously in favour of retaining the tax on the people's bread. In 1842 Mr. Cobden declared that they were “almost to a man guilty of causing the distress” which prevailed “by upholding the corn laws; having themselves an interest in the high price of bread.”² And in 1843, when a great conference of the ministers of religion was held in Manchester in aid of Corn Law repeal, although there were more than 600 ministers of the Free Churches present, there was but a single clergyman of the Established Church among them.

In respect to almost all the great reforms of the last half-century, substantially the same story has to be told; the action of the bishops and clergy, as a body, has been one either of cold neutrality and indifference, or of open and active opposition.

¹ *History of the Reform Bill of 1832*, p. 156.

² *Morley's Life of Cobden*, vol. i., p. 231.

THE ESTABLISHMENT AND POPULAR EDUCATION.

It is often contended that the Established Church has been of immense service in promoting the education of the people; and no one denies that, of late years, many of the clergy have done much in that direction, and often at great personal sacrifice both of time and money. But, while making full allowance for this, it is impossible to look broadly at the facts of the case without being led to the conclusion that the Church Establishment has been, and still is, the chief impediment to the adoption of a really effective system of national education.

The truth is, the clergy were at first opposed to popular education, and supported it only when they found it could be turned to account for the maintenance of their own privileged position. In 1807, when Mr. Whitbread carried a Bill through the House of Commons for the establishment of parish schools out of the local rates, it was opposed in the House of Lords by the Archbishop of Canterbury, and rejected expressly on the ground that it did not give sufficient authority to the clergy. It was about this time that Joseph Lancaster was attracting general attention, by his endeavours to provide for the children of the poor a more efficient education than had previously been given them, and one free from sectarian bias; and no better indication can be given of the unchanging hostility of the bishops and clergy to all movements for popular education not under their own control than the course they pursued in regard to the efforts of this pioneer of educational reform.

The Rev. Dr. Bell, the founder of the National School system, writing on March 30th, 1807, to Dr. Barton, chaplain to the Archbishop of Canterbury, says—

“It cannot be dissembled that thousands in various parts of the kingdom are drawn from the church by the superior attention paid to education out of the church. The tide is setting fast in one direction, and, if not speedily stemmed, it may run faster and faster.”

Writing again to Mrs. Trimmer, Dr. Bell says—

“What you say of preventing the spread of this scheme against the church [that is, the Lancastrian schools] is what some years ago occurred to me, and I then said what I shall never cease to repeat,

that I know of but one way effectually to check these efforts, and that is by able and well-directed efforts of our own hands. A scheme of education patronised by Church and State, originating in Government aid, and superintended by a member of the Establishment, would effectually promote our views.”¹

The spirit of these passages is sufficiently evident ; and it was in that spirit that the National School Society, which is the organisation through which the bishops and clergy have ever since carried on their educational work, was established.

Origin of the National School Society.—The circumstances connected with the establishment of this Society are detailed in an article in the *Quarterly Review* for September, 1812 ; and no reader of that article can doubt that the main objects with which the Society was founded were, first, to check the progress of the Lancastrian schools, and, next, to control popular education in the interests of the Established Church. The *Quarterly* says :—

“At that time (1811) the system of Mr. Lancaster, aided by exalted patronage, was rapidly spreading throughout the kingdom, while the number of schools which had been organised by Dr. Bell was comparatively small. Various attempts had been made to explain the consequences to which the general adoption of the Lancastrian system would ultimately lead, but nothing seemed to be capable of arresting its progress, and there was reason to apprehend that a system of education would become general in the kingdom in which no provision was made for the established religion.

“The friends of the Establishment very soon perceived the necessity of active measures to restore the established religion to that place in our system of education which it had been accustomed to occupy, but was then in danger of losing. The impulse being once given, a number of zealous and real patriots, whose names have been modestly concealed from the public, formed a plan for a general association throughout the kingdom, in support of the established religion. For this purpose a prospectus was drawn up and communicated to the archbishops and bishops of both provinces, who expressed their approbation of it, and promised co-operation ; at the same time the Archbishop of Canterbury consulted the Prince Regent, who likewise expressed his approbation of the intended institution, and afterwards became its supporter and patron. In this prospectus it is stated that :—

“It is indeed essential to the preservation of the Constitution both in Church and State, that the national religion should be made the

¹ *Southey's Life of Dr. Bell*, vol. ii., p. 150.

foundation of national education ; and it is evident that if the children of the poor, who constitute so large a portion of the population of the country, should be generally educated in other principles than those of the Established Church, the Established Church in the course of another generation would have a majority against it. That this result, with the consequent downfall of the church itself, is really to be apprehended, unless some speedy measures be taken to prevent it, is manifest from the rapid progress which is now making towards the diffusion of the mechanical part of this system detached from the religious part of it as promoted by Dr. Bell. . . . The friends therefore of the Establishment throughout the kingdom are earnestly requested to associate and confer, for the purpose of promoting the education of the poor in the doctrine and discipline of the Established Church.’ ”

Earl Russell has briefly epitomised this passage of our educational history, in a letter written from Cannes, in February, 1872. “The clergy,” he says, “were in those days—even the Liberal clergy—generally opposed to the education of the poor ; but, finding the cause of education made progress, they agreed, in 1811, to set up a society for founding and maintaining schools.” That the National Society continues to be animated by the same spirit which led to its formation is shown by the fact that in its monthly paper of May, 1881, the Society is described as a “School Defence and thus a Church Defence Society.”

The Clergy and School Boards.—The hostility of the clergy to the extension of the School Board system is another indication of their traditional attitude in respect to popular education. It is well known that in all parts of the country the clergy as a body have been—and still are—determined opponents of School Boards, and Board Schools. This has especially been the case in the rural districts, and the result is that there are nearly 10,000 rural parishes still without School Boards, and in which the only schools available for the use of the whole population are the privately managed, but publicly supported, denominational schools, the great majority of which are Church schools, managed in the interest of the Church Establishment. But while the clergy have opposed the formation of School Boards and the establishment of Board Schools, they have very generally striven to get

elected as members of School Boards, and in that position have, as a rule, endeavoured to protect their own sectarian schools, to the disadvantage of the Board Schools, and even at the cost of lowering the standard of education for the community at large. The education of the country has thus been largely sacrificed to the supposed interests of the Established Church.

The Education Act of 1870 (33 & 34 Vict., c. 75) gave great and most unfair advantages to the Church of England, in the facilities it offered to that Church for monopolising to a large extent the education of the country; but, notwithstanding that fact, the clergy have never forgiven Mr. Forster for the establishment of the Board School system, and the spirit they have commonly displayed in regard to the Act was well expressed by Dr. Gregory, the Dean of St. Paul's, when he said:—"Nothing had done more to sap the religious faith, to injure the moral condition, and to lower the social *status* of the people of this country than the Education Act of 1870."¹

THE ESTABLISHMENT AND THE AGRICULTURAL LABOURERS.

In nothing, perhaps, have the rural clergy as a body been more unmindful of the responsibilities and duties of their position as the ministers of a professedly National Church, than in regard to the condition of the agricultural labourers.

It is well known that, until the labourers themselves began an agitation for the improvement of their position, their condition, as a rule, was the saddest and most forlorn imaginable. But even then the clergy for the most part stood aloof from the movement, and one of the bishops, at a public dinner, so far forgot himself as to suggest that its leaders should be treated to the "horse-pond."² Those leaders were generally found, as was pointed out at the time by Lord Sydney Godolphin

¹ Speech in Convocation, February 4th, 1891.

² The speaker was Bishop Ellicot, who afterwards explained that his reference to the horse-pond was a mere pleasantry.

Osborn, the well-known "S. G. O." of the *Times*, in the "little village chapels and meeting-houses," and it was due to their influence that, from the first, the labourers' movement was kept within legal bounds, and carried on largely in a religious spirit.

Clerical admissions of clerical failure.—The shortcomings and mistakes of the rural clergy in respect to the position of the labourer have been frankly admitted by some of their own number. Thus Canon Girdlestone says—

"It is wonderful how little interest the country clergy have taken in the temporal welfare and social position of the labourers. They have warned them against forsaking the Church; they have reproved them for being Dissenters and drunkards, sometimes as much for one as the other; they have preached the Gospel to them. But to any practical attempt to improve their social position, to obtain for them a fair day's wages for a fair day's work, to give them an opportunity of saving against illness and old age, to enable them to throw off the incubus of pauperism, to make independent men of them, paid in neither meat nor drink nor perquisites, good or bad, at the will of the master, but in the coin of the realm, and to substitute the independence of free-born Englishmen for that so-called good feeling between masters and servants which is often nothing better than patronage on the one hand and servility on the other—with few exceptions, the country clergy have given little, if any, countenance."¹

The Rev. C. W. Stubbs, vicar of Grandborough, Bucks, in his "Addresses and Sermons on the labour question," not only confirms Canon Girdlestone, but points out that even where the clergy have been anxious to benefit the labouring classes, they have failed to do so, because they have adopted mistaken methods. He says—

"That as a body the country clergy have been benevolent, kindly, and charitable goes, of course, without saying. Their philanthropic intentions have been for the most part admirable. Coal clubs, blankets, tracts, soup, castor oil, doles of all kinds—these have been given with a free hand. But what has been the nett result? I confess myself to some embarrassment when I am asked by Joseph Arch this question, 'You clergy of the Established Church have had the agricultural labourers in hand at any rate for 300 years, to do pretty much what you liked with, and what have you made of them?' Until quite lately could the answer be anything but this—A class of men the stolid helplessness of whose ignorance has become proverbial.

¹ *Macmillan's Magazine*, October, 1872.

"I would not for a moment seem to imply that the country clergy have not sympathised deeply with this unhappy state of affairs, and have honestly wished to improve it. But, on the whole, surely we cannot but acknowledge that as regards any general amelioration in the condition of the labourers we country clergy have miserably failed, and failed, as it appears to me, for this reason: that we have been too much busied in trying to alleviate particular symptoms of social distress, rather than dealing with its general causes. 'Blankets and broth,' as our delegate in the alliterative rudeness of his ingratitude terms it, we, perhaps, did not always remember are not the only factors of social regeneration. Our philanthropic intentions, as I said, have been most admirable. But then, it is so often in philanthropy the good intentions, the blunders perpetrated in the excess of our philanthropic zeal, that do so much harm. It was not benevolence but justice that was mainly wanted. Doles too often only make beggars and relief hypocrites." ¹

A substantially similar confession is made by another clerical writer, the Rev. W. Bury, who says of the recipients of the clergyman's "numerous charitable gifts" that they are neither improved nor grateful, and that he has himself lost faith in the efficacy of such remedies. He adds, the clothing and coal-clubs "make the poor not more self-reliant, but less"; the offertory, as usually distributed, is "a direct incentive to hypocrisy," and excites envy and ill-will; that, in fact, the charitable agencies for which the clergy are so much lauded have done "no real service," but have "been of a demoralising nature." ²

The Labourer's view of the case.—The best evidence of the unsatisfactory character of the dealings of the clergy generally with the rural population is the now almost universal feeling among the labourers themselves against the "rule of the parson" in the parishes, and in favour of disestablishment as the only effective means of bringing that rule to an end.

In December, 1891, a conference of agricultural labourers and others interested in rural reform was held in London, at which, as even the *Times* admitted, "there was a striking unanimity in denouncing the parson, and in the demand for disestablishment"; while, according to the *Pall*

¹ *Village Politics*, p. 175.

² *Fortnightly Review*, March, 1885.

Mall Gazette "there was an unmistakably severe, if vague, feeling that the parson and the squire were at the bottom of all their grievances, and they cheered for disestablishment like mad." The Rev. A. D. Taylor, rector of Churchstanton, Devon (one of the delegates to the conference), accounts for, and to a large extent justifies, the antipathy of the labourer to the rule of the parson, and indicates what it is that has led the clergy wrong. He says—

"If we parsons could only get rid of our haunting fear of disestablishment, and consider the position and claims of the labourers on their merits, without troubling ourselves about the possible ulterior consequences of granting those claims to the political *status* of the Church, we should soon find ourselves on good terms and more than good terms with Hodge." ¹

THE RESULT OF ESTABLISHMENT.

"The political *status* of the Church," and the "haunting fear of disestablishment"! In those facts lie the real secret, not only of the failure of the rural clergy with respect to the agricultural labourers, but of the resistance which the bishops and clergy generally have made to almost every project of reform. And the more clear-sighted and candid of the clergy have long recognised the fact. In effect, that was the meaning of Dr. Arnold's complaint against the clergy fifty years ago. And the fact was admitted by Canon McColl at the Newcastle Church Congress in 1881. "Undoubtedly," he said, "the tendency of our ecclesiastical establishment everywhere is to identify the Church with the Conservative party." ² On the same occasion the Rev. T. J. Lawrence was still more explicit: "I hold," he said, "that by our position as an Established Church, our interests are bound up so strongly with the existing order of things, that a tendency is produced in the clergy as a body to resist even the most necessary reforms, and to range themselves on the side of unjust privileges and ancient wrongs, instead of obeying the divine command to undo the heavy burden, and let the oppressed go free." ³

¹ *Nineteenth Century*, May, 1892. ² *Official Report*, p. 189.

³ *Ibid.*, p. 181.

Even the *Times*, apologist for the Establishment, as it is, substantially admits the truth of the charge. On October 9th, 1876, it made the following statement :—

“The ‘Church of England’ was in favour of the alliance of continental absolutists against constitutional government; it was against the amelioration of the criminal code, and in favour of the principles of vengeance and prevention as against that of reformation; it was in favour of hanging for almost any offence a man is now fined for at the assizes; it was in favour of the slave trade, and afterwards of slavery; it was against the repeal of the Test and Corporations Acts; it was against Catholic emancipation; it was against Parliamentary reform and municipal reform; it was against the commutation of tithes, though it has since had to acknowledge the Act a great benefit; it was against the repeal of the corn laws and navigation laws; it was against free trade generally; it was against all education beyond the simplest elements, and even religious instruction; it was against public cemeteries and extra-mural interment; it was against the division of parishes. Indeed, it is hard to say what it has not been against in the way of improvement.”

The *Times* qualifies this “lamentable indictment,” as it properly terms it, by saying that the obstructives in all these cases were not the laity, nor the bishops, nor the clergy of the Church of England; but—

“In all these cases it was a worldly clerical oligarchy, combined for mutual advancement, and working for high preferment, that took the name of the Church, and lent the name of the Church of England to leaders of party. The Church of England all this time was helpless, because misrepresented, duped, and betrayed by that which called itself the Church party.”

In other words, it was not the Church, but the *Establishment*, which, through its leaders, hindered the progress of national improvement.

It is an almost inevitable result of the Establishment system that its leading authorities should be thus opposed to projects of reform. They are the officers of a privileged Church, and reform is hostile to privilege, and threatens its existence. Almost instinctively, therefore, the clergy are tempted to look with disfavour upon every proposal for reform, lest it should hasten the extinction of their own privileged position; and one of the great advantages which disestablishment will bring is, that it will put an end to this insidious bias, and leave the clergy open to

the influence of their own better judgment with respect to the merits of all public questions.

THE "NATIONAL CHURCH," NOW ANTI-NATIONAL.

It is becoming more and more evident that, owing to the inherent vices of the Establishment system, coupled with the prevailing ecclesiastical temper of the Church of England, the so called "National Church" is every day growing less national, more narrow and sectarian, less in touch with the people, and less in sympathy with the broad currents of the national life.

The statement may seem paradoxical, but it is strictly true, that the Church of England has to a large extent lost whatever nationality of character it may once have had, by the very effort which it has made to retain its legal position as the Church of the Nation. The instinct of self-preservation has in fact driven it, as a privileged body, into anti-national courses. In days gone by, when the position of the Church as a national establishment seemed assured, when Nonconformity was weak, and under legal ban was shut out from the national seats of learning, and from all public offices, the Church, in a certain true sense, was a national institution, and comported itself as such; although very inadequately discharging the duties which such a position involved. But gradually, as Nonconformity has grown to be a religious and political power, claiming for itself the full rights of citizenship, and continually winning from the Legislature more and more of its claims, the attitude of the Church towards broad national questions has perceptibly changed for the worse, until now it seems to have lost almost all sense of its obligations as a national organisation, and is chiefly concerned with the defence of its privileged position, and the preservation of its interests as such.

It is not denied that there are many individual clergymen and some of the bishops who, with popular sympathies and unselfish aims, zealously strive to give to the action of the Church a broader and more generous complexion. But they are too few to greatly modify the

general result; and those who are most competent to judge will be the least disposed to deny that, in regard to almost all the great social and political questions of the time, the Church as a whole is out of harmony with the prevailing sentiment of the people. This is admitted by the *Record* newspaper, one of the most zealous supporters of the Establishment. In a review of the Life of the late Archbishop Tait, it says:—

“The peculiarity—at any rate, the superficial peculiarity—of the last fifty years in Church and State has been an apparent divergence in the lines of development of the nation and the Church of England. The nation has made the most decided progress in one direction, destroying privilege of every sort and kind, popularising the franchise, equalising education, extending to all what were the luxuries or enjoyments of the few, endeavouring to abolish even the inequalities of nature, or, at least, to minimise them by handicapping laws. The spirit of the age shows itself quite unmistakably in these things. But, all the time, Church feeling and opinion have been making more and more definitely in another and almost a contrary direction. The exclusiveness of the Church, its antagonism towards other Christian bodies, its jealousy of State-control, its tendency to recur to old methods, old names, and old dresses—these are the notes of modern Church history in England.”¹

A Church of this reactionary character, with narrow and intensely sectarian aims, and not in sympathy with the aspirations of the great body of the people, is wholly out of place as a National Establishment.

PARLIAMENT AND THE CHURCH.

But this widening gulf between the Church and the nation brings into view and adds greatly to the weight of another argument against the Establishment, which appeals with special force to practical politicians.

It is the absurdity and impolicy of attempting to manage the affairs of a body like the Anglican Church by means of an assembly constituted as the House of Commons now is, and overburdened as it is with the other duties it has to discharge. It was never a fit or right proceeding; but the increasing narrowness and sectarian isolation of the Church on the one hand,

¹ *Record*, June 5th, 1891.

and the absolute freedom from all religious tests of the House of Commons on the other, now render the existing system positively grotesque in its absurdity. But so long as the Church remains established there is no escape from the difficulty; for it is clearly impossible that a body which annually receives between five and six millions of public property,¹ whose bishops sit in the House of Lords, and whose parochial clergy are invested with public authority, should be allowed to govern itself like a private religious society. There is no business, however, for which the House of Commons is less fitted or inclined than that of ecclesiastical legislation. Its members very generally feel that it is not the work for which they have been sent to Parliament; and they resent being withdrawn from their own proper business to attend to matters with which they have no rightful concern. The result is that ecclesiastical legislation has become increasingly difficult and well-nigh impossible.

And there is now this further objection to it, that the time of Parliament cannot be spared. Canon Fremantle states that from 1832 to 1888 the Acts relating to Church affairs which have been passed "amount to 229, or more than four annually";² and it is obvious that, with the time spent on measures that have been discussed, some of them again and again, without being passed, this represents a very large expenditure of Parliamentary time. With the multiplicity of questions relating to the temporal affairs of the nation urgently pressing for attention, that is a most serious matter; and it clearly points to the conclusion that, with the least possible delay, Parliament should divest itself of all responsibility for the management of Church affairs, by passing a measure for disestablishment and disendowment.

¹ See *Church Property*, p. 133.

² *Church Reform*, p. 112.

CHAPTER IV.

HISTORICAL AND LEGAL POSITION OF THE ENGLISH ESTABLISHMENT.

THE Church of England is established by law as the National Church. In this character it owes its origin to the changes made at the time of the Reformation. Before that time separate and independent national churches were unknown; the organisation and authority of the Church of Rome extending over the whole of Western Christendom. But at the Reformation a great disruption took place; and in all of what are now the Protestant countries of Europe the authority of the Church of Rome was thrown off, and the various local churches were re-organised as separate and independent national institutions.

The ancient British Church.—It is sometimes urged that the existing Church in England is the direct lineal descendant and representative of the ancient British Church. But the facts of history give no countenance to that view. The language of Mr. Freeman on this point is most explicit. In a review of the "Councils and Ecclesiastical Documents of Great Britain and Ireland," edited by Mr. A. W. Hadden, B.D., he says:—

"Not one word will be found in this volume to flatter the dream of an Early British Church from which the existing Christianity of England is derived. We see a British Church and we see an English Church, but they stand to one another in no relation of identity or even of parentage; the relations between the two Churches are the shadow which inevitably follows the relations between two nations. The tale is a tale of conquest; of conquest which puts on a milder shape as it goes on, but which is still conquest from beginning to end. There is not a word to show that a single soul among the heathen conquerors was won to the faith by the conquered Christians. Between British and English Christianity there is absolutely no continuity.

British Christianity is first displaced by English heathendom, and it is then conquered by the Christianity which England learned direct from Rome.”¹

Mr. Freeman admits that “a large share in the conversion of England belonged to the independent Scots”; but, he says, “England deliberately preferred the Roman to the Scottish usages, and those parts of England which were converted by the Scottish teachers formed parts of one spiritual whole with those whose Christianity came from the earlier mission of Augustine.”²

THE EARLY ENGLISH CHURCH.

Its origin.—The origin of the Church in England really dates from the mission of St. Augustine (A.D. 597). “The Church of England,” says Mr. Freeman, “is, above and beyond all other Churches of Europe, the child of the Church of Rome. It is the child of the Church of Rome in a sense in which the Churches of Gaul and Spain are not. We are the spiritual children of Gregory the Great.”³ The facts as to the first planting of the Church in England are set forth in the following passage from the “Lives of the Archbishops of Canterbury,” by Dean Hook:—

“About this time [June, 597] probably the Witan assembled. At the convention of the great authorities of the realm, *cura concilio sapientium*, the laws known as the dooms of Ethelbert were enacted. These laws recognise Christianity and the Christian priesthood, and the Church was established in the Kingdom of Kent, although the idols and their temples were not destroyed. When Christianity had been sanctioned by the King and the Witan, the whole mass of the people rushed to the waters of baptism, accepting individually the religion which had been adopted by the nation in its corporate capacity.”⁴

The establishment of the Church in the Kingdom of Kent was followed, at longer or shorter intervals, by its establishment, under circumstances substantially similar,

¹ *Fortnightly Review*, September, 1871, p. 329. ² *Ibid.*, p. 330.

³ From an unsigned paper in the *Guardian* (February 8th, 1888), which has been attributed to Mr. Gardner, but is obviously by Mr. Freeman.

⁴ *Lives of the Archbishops*, vol. i., p. 59.

in the other Anglo-Saxon Kingdoms, until, within little more than a century, Christianity became the established religion of all the Anglo-Saxon peoples.

The early English Church not "National," but Catholic.—The Church in England was not only first planted by Rome, but, notwithstanding frequent protests from the English Kings and Parliament against the attempts of the Popes to interfere in the temporal affairs of the Kingdom, it continued in obedience to the see of Rome, and formed part of the undivided Church of Western Christendom, of which Rome was the recognised head, until the time of the Reformation.

This view of the case is sustained by the Historical Appendix to the Report of the Royal Commission on Ecclesiastical Courts (1883), notwithstanding a laboured attempt which is there made to prove the "continuity" of the existing Church of England with the Church of pre-Reformation times. It shows that before those times the Church in England was completely incorporated with the Church of Rome. It says:—

"As a part of the Catholic Church, the English Church was constantly drawing in elements of novelty and growth, which, however good or mischievous they may now seem, became part of its constitution by reason of its organic connection with foreign churches. . . . The Church of England was not, even in Anglo-Saxon times, merely the religious organisation of the nation, but a portion of a much greater organisation. The exact limits of its relation to foreign churches were possibly disputable, but the fact of the incorporation was admitted on all sides."¹

Dr. Stubbs, the Bishop of Oxford, who drew up this Appendix, has, in his "Constitutional History," still more clearly defined the position which the Church in England occupied prior to the Reformation. He says:—

"In the general legislation of the Church, the English Church and nation had alike but a small share; the promulgation of the successive portions of the Decretals [the letters written by the Popes for determining matters of controversy, and having the authority of law] was a papal act to which Christendom at large gave silent acquiescence; the Crown asserted and maintained the right to forbid the introduction

¹ *Report of Royal Commission*, pp. 22, 23.

of papal bulls without a royal licence, both in general and particular cases; and the English prelates had their places, and the ambassadors accredited by the king and the estates had their right to be heard, in the general councils of the Church. But, except in the rare case of collision with national law, the general legislation of Christendom, whether by pope or council, was accepted as a matter of course."¹

The relations of the Church of pre-Reformation times to the see of Rome are discussed with great fulness by Mr. Gilbert W. Child, M.A., in the introduction to his "Church and State under the Tudors"; and he strongly insists that the Church in England was in no true sense "national," but was completely identified with the Western Church under the authority of Rome. He says:—

"The Western Church was, and remained until the Reformation, one and indivisible, and the fact that it had its own laws and its own organisation prior to and independent of the very existence of any nation of modern Europe, was in itself enough to prevent its becoming, in any intelligible sense of the word, "national." It extended into all the nations of Europe, and was national in none of them."

"It was just because the Church in England was not in truth the Church of England, but was an organic portion of the one great Western Church, and able to carry on its own diplomacy and enter into its own alliances, that it was enabled to occupy the position of independence, and sometimes almost of supremacy, in which we find it. It is this double position of the Church which alone makes intelligible the history of England, and indeed of most other European nations, during the centuries preceding the Reformation. The Church was at once in the nation and not of it; it formed a part of a vast organisation extending throughout—nay, even beyond—the civilised world. Its officers, while in every nation numbered amongst the great ones of the earth, belonged at the same time to an independent theocratic State, whose sovereign, as such, was the earthly equal of earthly kings, at the same time that, as the declared vicegerent of God, he claimed superiority over the highest of them. It was thus, and thus only, that the rivalry between Church and State in so many countries, and in England especially, arose and was maintained. Had the Church been in truth the Church of England it would have been a mere *imperium in imperio*, and would never have been able to hold its own, generation after generation and century after century, against the State, often represented by powerful and able monarchs such as Henry II. or Edward III. It was just because it was not the Church of England, but a mere extension into England of the powerful Western Church, having its rights and its interests and its officers in every nation, and its independent seat of empire at Rome, and thus enabled

¹ *Con. Hist.*, vol. iii., p. 348.

to enlist one nation against another, or a nation against its own rulers, that it became in a greater or less degree, and for periods varying in different countries, independent of the State, and a rival of the State." ¹

It has been contended that the independence and nationality of the early Church in England is shown by the famous clause in Magna Charta—*Libera sit Ecclesia Anglicana* ("The Church of England shall be free").

But the freedom which the Great Charter claims for the Church is freedom, not from the spiritual authority of Rome, but from the oppression of the English Crown; and no better illustration could be given of the actual relations at the time between the Church in England and the see of Rome than the circumstances attending the appointment to the Archbishopric of Canterbury of Stephen Langton, the leader of the barons in the conflict which extorted the Great Charter. On the death of the preceding Archbishop, the monks at Canterbury elected their sub-prior to the vacant office; but afterwards, at the bidding of King John, they elected the Bishop of Norwich; and when the two rival claimants appealed to Rome, Pope Innocent III., being "resolved to free the Church of England from the royal tyranny, quashed both the contested elections, and commanded the monks who appeared before him to elect in his presence Stephen Langton to the archiepiscopal see." ²

Mr. Child insists that "from Innocent III. downwards to the age of the Reformation there is not the slightest ground for maintaining that the Church in England was less papal than elsewhere in Europe." Dean Milman is equally explicit, and declares that "with all the Teutonic part of Latin Christendom the belief in the supremacy of the Pope was coeval with their Christianity, and was an article of their original creed as much as the Redemption itself." ³ The complete submission of the Church in England to Rome is further shown by the fact that every archbishop received his jurisdiction from the Pope, and every

¹ *Church and State*, &c., p. 9-11. ² *Green's Short History*, p. 119.

³ *Church and State*, &c., p. 20. ⁴ *Latin Christianity*, vol. iv., p. 4.

bishop recognised that his authority was derived from the same source ; while all alike took an oath that they would be "faithful and obedient to the Holy Apostolic Roman Church and our Lord the Pope."¹ Even Dean Hook, who stoutly contends for the independence of the Church in England up to the time of Pope Martin V. (1417), admits that "from that time the Church of England, to the time of the Reformation, was to be accounted only as a branch of the Church of Rome."² The Bishop of Liverpool states the case more correctly and in a more popular form thus :—

"The three hundred years which immediately preceded the Reformation is a period when the Church of this land was thoroughly, entirely, and completely Roman Catholic ; when the Bishop of Rome was the spiritual head of the Church ; when Romanism reigned supreme from the Isle of Wight to Berwick-on-Tweed, and from the Land's End to the North Foreland ; when the ministers of religion in England and the people were all alike Papists."³

ORIGIN AND GROWTH OF THE PRESENT ESTABLISHMENT.

In England the breach with Rome was the result, not, as in the other Protestant countries of Europe, of a widespread acceptance of the principles of the Reformation, but of the quarrel between Henry VIII. and the Pope on the subject of the King's divorce and his marriage with Anne Boleyn. It was this which led to the formation of the English Church as at present constituted. "The existence of the Church of England as a distinct body," says Bishop Short, "and her final separation from Rome, may be dated from the period of the divorce."⁴ Mr. Lecky also, in a passage previously quoted, speaks of the Anglican Church as having been "created in the first instance by a court intrigue." The Report of the Royal Commission on Ecclesiastical Courts sustains the same view. For as to the general effect of what it calls the "innovations" which were

¹ Cardinal (then Bishop) Vaughan, *Manchester Guardian*, October 8, 1888.

² *Lives of Archbishops*, vol. v., p. 103.

³ *Principles for Churchmen* (1884), p. 357.

⁴ *History of the Church of England*, p. 86.

made at the time of the Reformation, it shows that these changes were so fundamental in character as wholly to separate the English Church from the organisation of which it had previously formed an integral part; and to give it, in law, jurisdiction, courts and procedure, a new and essential modified constitution. The Report, indeed, gives fresh point to the old contention that the Church of England is "an Act of Parliament Church," built up and regulated throughout by statutes of the realm.

Reconstruction of the Church.—The successive steps in the reconstruction of the English Church are clearly marked in the legislation of the Reformation period. At the commencement of that period the Church of England as a separate organisation had no existence; it was simply a local branch of the Church of Rome.¹ At the close of the same period it had become transformed into a separate and independent National Church, having no connection with the Church of Rome; declaring in its articles that some of the distinctive doctrines of that Church are "blasphemous fables and dangerous deceits," and regulated in all its procedure, as it was founded, by the action of the Legislature.

The first of the measures by which this fundamental change was effected was one of no great importance, although it foreshadowed all that was to follow. It was the "Statute of Citations" (23 Henry VIII., c. 9), passed in 1532. It enacted that thenceforth the king's subjects should no longer be cited from all parts of the country, often at great expense, to the Archbishop's court in London, except at the request of the bishop of the diocese. The Act thus put an end to the direct and immediate jurisdiction of the archbishop, which he had previously exercised in virtue of his office as "legate" or papal representative in this country.

¹ Lord Selborne (*Defence*, p. 5) says the words, "a local branch of the Church of Rome," are "unmeaning and misleading." But they are a simple statement of fact, and are practically identical with those quoted above from Dean Hook.

The restraint of appeals to Rome.—The next Act attacked the authority of the Pope himself. It is the "Act for the restraint of appeals" (24 Henry VIII., c. 12, 1533). It was passed for the special purpose of preventing the appeal of Queen Katherine to the Pope. But its effect was general, and introduced a most important change. It enacts that "all causes testamentary, causes of matrimony and divorces, rights of tithes, oblations, and obventions," and matters of "divine service" "shall henceforth be determined within the King's jurisdiction and authority, and not elsewhere." The Act therefore sweeps away what had hitherto been the Supreme Court of Appeal, or, as the Report of the Royal Commission puts it—"all appeals to Rome, thus, are to cease." It is worth noticing that this Act incidentally refers to the clergy as "that part of the body politic called the spirituality, *now being usually called the English Church.*"

The Submission of the Clergy.—The next great measure is the famous "Act for the submission of the clergy," passed in 1534 (25 Henry VIII., c. 19). It consists of two parts. One extends the provision with respect to appeals established by the previous Act to "all manner of appeals, of what nature or condition soever they be"; and it sets up a new Civil Court of Appeal instead of the Spiritual Court, by enacting that, in future, all persons shall make their appeals "immediately to the King's Majesty of this realm in the Court of Chancery, in like manner as they used afore to do to the see of Rome." The Act also gives the only legal validity which is now preserved to the old canon law, by providing that "such canons and constitutions," &c., "which be not contrariant or repugnant to the laws, statutes, and customs of this realm, nor to the damage or hurt of the King's prerogative, shall now be still used and executed as they were afore the making of this Act," &c.

But by far the most important part of the Act is that which relates to the submission of the clergy, and its consequences. The Act in effect ratifies the bargain between the King and the clergy, in virtue of which the

clergy retained their benefices, and, in return, formally surrendered to the King, in the name of the English Church, and as binding it for the future, not only the initiative, but the whole power of ecclesiastical legislation. The story of this memorable transaction is told by the Act itself. It begins by reciting how the clergy had submitted to the King, and “promised, *in verbo sacerdotii*, that they will never from henceforth presume to attempt, enact, put in use, promulge, or execute any new canons or constitutions,” unless the “King’s assent and licence” had been granted for their so doing; and it then proceeds:—

“Be it therefore now enacted by authority of this present Parliament, according to the said submission and petition of the said clergy, that they, nor any of them, from henceforth shall presume to attempt, allege, claim, or put in use any constitutions or ordinances provincial or synodal, or any other canons, nor shall enact, promulge, or execute any such canons, constitutions, or ordinances provincial, by whatsoever name or names they may be called, in their convocations in time coming, which alway shall be assembled by the King’s writ, unless the same clergy may have the King’s most royal assent and licence to make, promulge, and execute such canons, constitutions, and ordinances provincial and synodal, upon pain of every one of the said clergy doing contrary to this Act, and being thereof convict, to suffer imprisonment and make fine at the King’s will.”

The appointment of Bishops.—Immediately following the Act for the submission of the clergy, was passed the Act for restraining the payment of annates, or first-fruits, to the Pope (25 Henry VIII., c. 20). But, again, the most important part of the Act deals with a matter wholly different from that from which it takes its name. It is this 25 Henry VIII., c. 20, which prescribes to this day, as the Act itself expresses it, “in what manner and fashion archbishops and bishops shall be elected, presented, invested, and consecrated within this realm.” It provides that—

“At every avoidance of every archbishopric or bishopric within this realm, or in any other the King’s dominions, the King, our sovereign lord, his heirs and successors, may grant to the dean and chapter of the cathedral churches or monasteries, where the see of such archbishopric or bishopric shall happen to be void, a licence under the great seal, as of old time hath been accustomed, to proceed to election

of an archbishop or bishop of the see so being void, with a letter missive containing the name of the person which they shall elect and choose: by virtue of which licence the said dean and chapter, to whom any such licence and letter missive shall be directed, shall, with all speed and celerity, in due form elect and choose the same person named in the said letter missive to the dignity and office of the said archbishopric or bishopric so being void, and none other."

The Act further provides that if the dean and chapter delay the election above twelve days after the receipt of the licence and the letter missive, the Crown shall "nominate and present by letters patent under the Great Seal such person as it shall think convenient—to be invested and consecrated in like manner as if he had been elected by the dean and chapter."

If the dean and chapter do not elect the person named in the letter missive, and signify the election to the Crown within twenty days after the receipt of the licence and letter missive, "or if any of them admit, or do anything contrary to the Act, then every such dean and particular person of the chapter so offending, and their aiders, counsellors, and abettors, shall incur the dangers, pains, and penalties of the statute of *præmunire*." These are thus described in Blackstone:—From the moment of conviction the defendant is out of the King's protection; his body remains in prison during the King's pleasure, and all his goods, real or personal, are forfeited to the Crown—he can bring no action, nor recover damages for the most atrocious injuries, and no man can safely give him comfort, aid, or relief.¹

It may be noticed, in passing, that the solemn mockery of this election, in which there is no choice or refusal permitted, was recognised from the first. In the reign of Edward VI. an Act (1 Edward VI., c. 2, 1547) was passed abolishing the election, and substituting a naked appointment by the Crown. It provided that—

"Forasmuch as the elections of archbishops and bishops by the deans and chapters be as well to the long delay as to the great cost and charges of such persons as the King giveth any archbishopric or bishopric unto; and whereas the said elections be in very deed no elections, but only by a writ of *conge d'estre* have colours, shadows, or

¹ *Com.*, Book iv., c. 8.

pretences of elections, serving, nevertheless, to no purpose, and seeming also derogatory and prejudicial to the King's prerogative royal, to whom only appertaineth the collation and gift of all archbishoprics and bishoprics: It is enacted that henceforth no *conge d'eslire* be granted, nor election by the dean and chapter be made, but that the King, by his letters patents, may collate," &c.

This statute was repealed by Queen Mary, and the provisions of the Act 25 Henry VIII., c. 20, were revived, and still remain in force.

Peter's pence and dispensations.—The Act 25 Henry VIII., c. 21 (1534), "concerning Peter's pence and dispensations," deprived the Papacy of one portion of the revenue it had derived from England from early Saxon times, and stopped all future appeals to Rome for licences, dispensations, &c. It provides that "from henceforth" neither the King, "nor any your subjects of this realm shall sue to the said bishop of Rome, called the Pope," for any such licences, &c., "but that from henceforth every such licence, dispensation," &c., "shall be granted within this your realm, and not elsewhere in manner and form following," &c. It then enacts that the Archbishop of Canterbury "shall have power and authority to give, grant, and dispose all such licences," &c., which power is "vested in archbishops, more especially in her [the Church's] character as an establishment."¹

The Supreme Headship.—In another session of Parliament, in 1534, the Act 26 Henry VIII., c. 1, was passed, making the King Supreme Head of the English Church. It runs:—

"Albeit the King's majesty justly and rightfully is and ought to be supreme head of the Church of England, and so is recognised by the clergy of this realm in their convocation: yet, nevertheless, for corroboration and confirmation thereof, and for increase of virtue in Christ's religion, &c., &c., be it enacted by authority of this present Parliament that the King our sovereign lord, his heirs and successors, shall be taken, accepted, and reputed the only supreme head on earth of the Church of England; and shall have full power and authority to visit, repress, redress, reform all errors, heresies, abuses, &c., &c."

The Report of the Royal Commission on Ecclesiastical

¹ *Hook's Church Dictionary*.

Courts states that this Act "contains a large interpretation of the supreme headship, and involves as a consequence the exercise of almost unlimited powers of ecclesiastical jurisdiction."¹ The Bishop of Oxford also, in his "Historical Appendix" to the Report, states that the power vested in the King by this statute "verges and abuts closely on the undefined supremacy assumed by, and henceforth denied, to the Popes."² In other words, the relations of Church and State had been fundamentally changed. The Pope had been deposed from the headship of the Church in England, and "for increase of virtue in Christ's religion" the King had taken his place. The chief magistrate of the State had assumed spiritual authority, and had become the supreme judge in respect to the doctrine, discipline, and government of the Church; which thenceforth, for all practical purposes, became a department of the civil government.

Founding of new bishoprics and cathedral bodies.—The 31 Henry VIII. c. 9 (1539) is "an Act authorising the king's highness to make bishops by his letters patent." It recites that the inmates of the monasteries had led a "slothful and ungodly life"; and, in order that the revenues of the same "might be turned to better use," it provides that the king shall have "full power and authority" to establish "more bishoprics, collegial and cathedral churches, instead of the aforesaid religious houses, and to endow them with such possessions" as the king shall think necessary.

Under the authority of this Act in A.D. 1541-2, Henry founded, and endowed, out of the possessions of the monasteries, the bishoprics of Gloucester, Bristol, Peterborough, Chester, and Oxford, and also a bishopric of Westminster (which was soon after suppressed). He also founded and endowed cathedral bodies in each of the new dioceses³

¹ *Report*, p. xxix.

² *Ibid.*, p. 38.

³ It is often asserted that none of the endowments of the suppressed monasteries and other religious houses are now in the possession of the Established Church, but the above facts show how entirely mistaken is any such statement.

GENERAL EFFECT OF HENRY'S LEGISLATION.

Altered position of the clergy.—The revolution in the position and power of the clergy, which was effected by the legislation of Henry VIII., is thus described by Mr. Froude:—

“The clergy for four centuries had been the virtual rulers in State and Church; their authority had extended over castle and cottage; they had monopolised the learned professions, and every man who could read was absorbed under the privileges of their order; supreme in the cabinet, in the law courts, and in the legislature, they had treated the Parliament as a shadow of Convocation, and the House of Commons as an instrument to raise a revenue, the administration of which was theirs; their gigantic prerogatives had now passed away from them; the Convocation which had prescribed laws to the State endorsed the legislation of the Commons, even on the Articles of the Faith; the religious houses were swept away; their broad lands had relapsed to the laity, with the powers which the ownership conveyed with it; the mitred abbots had ceased to exist; the temporal lords had a majority in the House of Peers; and the bishops battled ineffectually to maintain the last fragment of their independent grandeur.”¹

The Church in England first becomes the Church of England.—Mr. Child in describing the results of Henry's legislation in regard to the position of the Church, says:

“These Acts for the first time made the Church in England a National Church, but as they incurred the excommunication of the Pope, made it also, in ecclesiastical parlance, schismatical. . . . Thus when Henry died a complete revolution had been effected in the position of the Church. Instead of the Church *in* England, it had become in good truth the Church *of* England; instead, that is, of an integral part of the great western province of Christendom, to which it owed its first conversion, and with which it had been one ever since—for nearly a thousand years—it had become for the first time in its history a separate Christian community.”²

LEGISLATION OF EDWARD'S REIGN.

The first Act passed in the reign of Edward VI. was that for restoring communion in both kinds (1 Ed. VI., c. 1, 1547). It contains the provision, which still regulates admission to the Lord's Supper in the Established

¹ *History of England*, vol. iv., p. 186.

² *Church and State*, &c., pp. 262-264.

Church; namely, that "the minister shall not, without lawful cause, deny the same [*i.e.*, the Lord's Supper] to any person that will devoutly and humbly desire it."

The first English Prayer Book.—In 1549 the first Book of Common Prayer was issued for use in the public services of the Church. Before the close of Henry's reign something had been done to provide an English service book, but the old Latin mass books and breviaries continued for the most part to be used in the churches with no other change than the simple erasure of the collects for the Pope and some of the saints, whose days, by the order of the king, were then no longer to be observed.¹

But in the second year of Edward VI. the Book of Common Prayer—the original form of that now in use—was issued, and its use made compulsory by the Act 2 & 3 Edw. VI. c. 1. This Act, which declares that the new Prayer Book was prepared "by the aid of the Holy Ghost," provides that—

"All ministers in any cathedral or parish church within this realm shall be bounden to say and use the matins, even-song, celebration of the Lord's Supper, commonly called the mass, and administration of the sacraments, and in such order and form as is mentioned in the same book, and none other, or otherwise."

The penalties for non-compliance with the Act, or for using any other rite or ceremony, or form of prayer "than is mentioned and set forth in the said book," are, for the first offence, the forfeit of one year's profits of the benefice and imprisonment for six months; for the second offence, "imprisonment for one whole year," and deprivation of the benefice; and for the third offence, imprisonment for life.

Rooting-out the old religion.—According to Strype, the Catholics now first raised against the reformed Church the objection to which it has ever since been open that it was a "Parliament Church," and the religion it professed a "Parliamentary religion."¹

¹ *Phillimore's Ecc. Law*, p. 940.

² 1 *Eccles. Memorials*, vol. ii., part 1, p. 137.

But the hand of the law was soon heavy upon them ; for in the following year (1549-50) "an Act for the abolishing and putting away of divers books and images" (3 & 4 Edw. VI., c. 10) was passed. It provided that all the old service-books previously in use, whether in Latin or English, should be "utterly abolished, extinguished and forbidden for ever to be used or kept," on the ground that they "only give occasion to such perverse persons as do impugn the order and godly meaning of the King's Book of Common Prayer, to continue in their old accustomed and superstitious service." The Act, therefore, provides that any person who failed to deliver up all condemned books and images "to be openly burned or otherwise defaced and destroyed," was to forfeit to the king for the first offence, 20s. ; for the second offence, £4 ; and for the third offence was to "suffer imprisonment at the king's will." And that these provisions were no meaningless forms is shown by the fact that the Act further provides that all "mayors, bailiffs, constables, and others" who failed, within three months to deliver up the same books to the archbishop or bishop of the diocese, and any archbishop or bishop who, within forty days after receiving such books, failed to destroy them, was to forfeit to the king, £40, the half of which was to be given "to any of the king's subjects that will sue for the same in any of the king's courts of record."

King Edward's second Prayer Book.—The first Prayer Book of Edward VI. being regarded as too favourable to the old religion, a new one was prepared, and its use, instead of the other, enforced by the 5 & 6 Edw. VI., c. 1 (1552). The Act provides that the new book is to be "accepted, used, and esteemed," and to be of "like force and authority," with the former book, "as by the Act of Parliament made in the second year of the king's reign was ordained and appointed," all the penalties imposed by that Act for neglecting to use the first Prayer Book, or for using any other, being re-enacted by this 5 & 6 Edw. VI., c. 1, in support of the new book now substituted for it. But the new Act goes a step further than

the former one. It provides that "all curates shall upon one Sunday every quarter of the year" next following the passing of the Act, "and likewise once in every year following, read this present Act in the church at the time of the most assembly." This second Prayer Book is described in the Forty-two Articles of Religion agreed on by Convocation in 1552-3 as recently "delivered to the Church of England by the authority of the King and Parliament."

LEGISLATION OF ELIZABETH'S REIGN.

As the reaction under Mary revived the authority of the Pope, and undid almost all that had been done in the way of reforming the Church under Henry and Edward, the first Act of Elizabeth's reign (1558) was one for "restoring to the Crown the ancient jurisdiction over the State ecclesiastical and spiritual, and abolishing all foreign power repugnant to the same." It revives the various "good laws" passed in the reign of Henry VIII., which had been repealed in the reign of Mary, and specially restores to the Crown its supremacy over the Church and all its affairs. The Act provides that :—

"Such jurisdiction, privileges, superiorities, and pre-eminences, spiritual and ecclesiastical, as by any spiritual or ecclesiastical power or authority hath heretofore been, or may lawfully be, exercised or used for the visitation of the ecclesiastical state and persons, and for reformation, order, and correction of the same, and of all manner of errors, heresies, schisms, abuses, &c., shall for ever, by authority of this present Parliament, be united and annexed to the imperial crown of this realm."

On only one point did this revival of the authority of Henry VIII. stop short. Out of regard for the scruples of the reformers, the Queen refrained from re-enacting that the sovereign should be styled the "Supreme Head" of the Church. As the language of the Act just quoted shows, all the powers conferred by the Act of Henry were revived ; and, having thus secured the power and authority, the Queen was content to surrender the name ; and the Act therefore substituted for the title "Supreme Head," that of "Supreme *Governor*," which title our sovereigns still retain.

Elizabeth's Act of Uniformity.—The Act 1 Eliz., c. 2 (1559), is the famous "Act of Uniformity" of Elizabeth's reign. It was passed, not only without the concurrence, but in spite of the vehement opposition, of the bishops and clergy. Not one of the bishops voted for it, and the Act itself bears witness to this fact; for while all other Acts of Parliament are declared to be passed with the assent of the "Lords *spiritual* and temporal and the Commons," this Act simply recites that it was passed with the "assent of the Lords and Commons." It re-imposes the use of the second Prayer Book of Edward VI., which had been set aside by an Act of the previous reign, and provides that—

"The said Book, with the alterations and additions therein added and appointed by this statute, shall stand, and be, from and after the Feast of the Nativity of St. John Baptist, in full force and effect, anything in the foresaid Statute of Repeal to the contrary notwithstanding."

The meaning and the effect of this measure are well set forth in the following passage by Dr. T. W. Mossman, late rector of Wragby, Lincolnshire:—

"In the first place, it meant that on Midsummer-day, in the year of our Lord 1560, the 12,000 clergy of the Church of England should, at the sole bidding of the State, and against the solemn protest of all their bishops, *cease* to worship God and minister the sacraments of Christ, and all other rites and ceremonies of the Church Universal, in every cathedral and parish church of England and Wales, after the manner and according to the forms by which they and their predecessors had worshipped God, and administered His holy sacraments, for nigh a thousand years.

"In the second place, it meant that these same 12,000 clergy must thenceforward conduct the worship of Almighty God, and administer the sacraments of Christ in every church in England and Wales, according to forms first drawn up and enforced by Act of Parliament just eleven years previously, altered and modified, and again enforced by Act of Parliament three years later, then abolished by Act of Parliament at the beginning of Mary's reign, and now in the first year of Elizabeth revived and reinforced by a fresh Act of Parliament, and this time against the wish and in spite of the solemn protest of the whole representative spirituality of the Church of England. The sequel was, as we all know, that every existing diocesan bishop in England was deprived of his See, and every beneficed clergyman who declined to substitute the new Service Book, resting as it then did upon *nothing* but Parliamentary authority, instead of the old Catholic Service Books, which rested solely upon spiritual or ecclesiastical authority, was

deprived of his living. I cannot imagine what could possibly have been conceived or invented by the wit of man more effectual for making the Church of England, as to her *corporate* life, thenceforward the creature and absolute bond-slave of the State."¹

The Thirty-nine Articles.—The Act, 13 Eliz., c. 12 (1571), imposes the Thirty-nine Articles as the legally authorised faith of the English Church. It is called "An Act for the ministers of the Church to be of sound religion," and provides that—

"Every person under the degree of a bishop, which doth pretend to be a priest or minister shall in the presence of the bishop declare his assent and subscribe to all the Articles of religion agreed by the Archbishops and bishops of both provinces, and the whole of the clergy in the Convocation, holden in London in the year 1562, for the avoiding of the diversities of opinion and for the establishing of consent touching true religion put forth by the Queen's authority."

In default of complying with its provisions, the statute further enacted that "every such person which shall not do as is above appointed shall be, *ipso facto*, deprived, and all his ecclesiastical promotions shall be void, as if he then were naturally dead."

Penalties for adhering to the Catholic Religion.—The Act 23 Eliz., c. 1 (1580-1), entitled "An Act to retain the Queen's Majesty's subjects in their due obedience," made all attempts to propagate the Catholic religion high treason. It provided that—

"All persons whatsoever which shall persuade or withdraw any of the Queen's subjects from the religion now by her highness's authority established within her dominions to the Romish religion, or to move any of them to promise any obedience to the see of Rome, shall be to all intents adjudged traitors, and shall suffer and forfeit as in case of high treason."

The Act also provided that all who "shall wittingly be aiders or maintainers of persons so offending," or who shall conceal any such offence, shall be judged and suffer "as offenders in misprision of treason;" while every

¹ "The Relations between the Church and the State in England," by T. W. Mossman, D.D. 1883.

person who "shall say or sing mass," "shall be committed to prison for the space of one year, and pay the sum of two hundred marks;" and "every person who shall willingly hear mass shall forfeit the sum of one hundred marks, and suffer imprisonment for a year."

Enforced attendance at church.—But, not satisfied with these severe penalties against all who adhered to and practised the old religion, the Act proceeds to force people into the adoption of the new religion then established by law. It is, therefore, provided that—

"Every person above the age of sixteen who shall not repair to some church or chapel, or usual place of common prayer, shall forfeit for every month which he or she shall so forbear, twenty pounds of lawful English money; and that, over and besides the said forfeitures, every person so forbearing for the space of twelve months shall for his or her obstinacy be bound with two sureties in the sum of £200 at least, and so continue bound, until such time as they do conform and come to church."

The Act imposes a number of other penalties of a like kind, and provides that the money forfeited under it shall be appropriated one-third to the Queen herself, one-third "to the poor in the parish where the offence is committed," and the other third to such person as will sue for the same; the whole scope and purpose of the Act being to suppress the old faith and form of worship, and to enforce compliance with, and attendance at, the new form of "divine service," which, as the Act expresses it, "is established by the law of the realm."

THE ACT OF UNIFORMITY OF 1662.

The only other measure to which it is necessary to refer in this sketch of the reconstruction of the English Church is the Act of Uniformity of the reign of Charles II. (13 and 14 Charles II., c. 4, 1662), which made the last important modifications in the character and constitution of the Church of England, and placed it substantially on the basis on which it stands at the present day.

The Prayer Book had again been revised, and many of the alterations made were introduced with the avowed design of making the book less acceptable to the Puritan clergy,

while the new Act by which it was imposed, and to which it was attached as a schedule, now for the first time required that every beneficed clergyman should publicly declare his "unfeigned assent and consent to all and everything contained in and prescribed by the book," and should also be episcopally ordained. It is well known that some 2,000 of the Puritan clergy were unable to comply with the rigid requirements of the Act, and were, in consequence, forced out of the Established Church.

In reference to this turning point in the history of the English Church, Mr. J. R. Green, in his "Short History of the English People," well says—

"The rectors and vicars who were driven out were the most learned and the most active of their order. . . . The bulk of the great livings throughout the country were in their hands. They stood at the head of the London clergy, as the London clergy stood in general repute at the head of their class throughout England. They occupied the highest posts at the universities. No English divine save Jeremy Taylor, rivalled Howe as a preacher. No parson was so renowned a controversialist, or so indefatigable a parish priest as Baxter. And behind these men stood a fifth of the whole body of the clergymen, whose zeal and labour had diffused throughout the country a greater appearance of piety and religion than it had ever displayed before. With the expulsion of the Puritan clergy all change, all efforts after reform, all national development, suddenly stopped. From that time to this the Episcopal Church has been unable to meet the varying spiritual needs of its adherents by any modification of its government or its worship. It stands alone among all the religious bodies of Western Christendom in its failure, through two hundred years, to devise a single new service of prayer or praise."¹

PLACE AND POWER OF CONVOCATION.

Convocation is the deliberative body of the Church Establishment. It consists of two branches, the Convocation of Canterbury and that of York, each having two houses—an upper house of the bishops of the province, and a lower house, consisting partly of *ex-officio* members, and partly of members elected by the clergy.

It is commonly spoken of as the Church's Parliament, and it so far resembles Parliament that it is summoned and prorogued only by the Queen's writ, and that its

¹ *Short History*, p. 609.

elected part has to be chosen afresh with every new House of Commons. But Convocation has had no real power since the famous Act of Submission of 1534, already referred to.¹ It is now unable even to meet except by permission from the Crown; it cannot so much as discuss any alterations in the Church's laws except by the same authority; and "its decisions," as the Bishop of Liverpool says, "are null and void and useless without the consent of the Crown and Parliament."²

The position of Convocation in respect to all legislation affecting the laws and regulations of the Established Church, is clearly shown by what took place in 1865, on the occasion of the alteration in the law of clerical subscription and the oath against Simony. On the recommendation of a Royal Commission, the Government introduced a Bill (now the Act 28 and 29 Vict. 122) dealing with the subjects named. The Convocation of Canterbury thereupon presented an address to the Queen, "praying that Her Majesty would be graciously pleased to grant them her Royal Licence to make a new canon, and to alter others on the subject." Sir George Grey, the Home Secretary, replied on June 2nd, as follows—

"Assuming that the object for which the Royal Licence is asked for on this occasion is to enable the Convocation to alter the said canons, so as to make them conformable to the alteration of the law which is now under the consideration of Parliament, as to the matters to which these canons relate, Her Majesty's Government are willing to advise Her Majesty to comply with the prayer of Convocation for the grant of a Royal Licence for this purpose. But, as it is not yet known what may be the decision of Parliament as to the Bill now before it, for giving effect to the recommendation of the Royal Commission on clerical subscription, Her Majesty's Government cannot advise Her Majesty to grant her Royal Licence to Convocation to make a specific alteration in these canons, in a form and in terms already agreed upon, nor can Her Majesty be advised to give her sanction by anticipation to a canon prescribing a new form of declaration and subscription to be made by the clergy, until it is known whether such form is in accordance with the statute law, as it may be altered by Parliament on this subject."³

¹ See *ante*, page 56. ² *Church Reform Papers*, p. 48.

³ *Parliamentary Paper*, 430, Session 1865.

On June 26th, the Bill, which had already passed the House of Lords, passed through Committee in the House of Commons; and on the following day, when Parliament had determined what should be done, the Home Secretary again wrote, saying, "the Queen had been graciously pleased to comply with the prayer of the humble address of Convocation," and the Royal Licence was accordingly sent. The "*Chronicle of Convocation*" records that on June 28th the Royal Licence was read, and that on the same day both Houses of Convocation concurred in the changes which Parliament had made.¹

Substantially the same thing happened with regard to the alteration in the canon with respect to the hours of marriage. In the single-sessioned Parliament of 1886 Mr. Carvell Williams secured the passing of an Act which extended the marriage hours from twelve to three o'clock; and in 1887, after Parliament had altered the law of the land on the subject, Convocation was permitted to alter the canon law, so as to bring it into harmony with the Act of Parliament. And in the session of 1892 the alteration in the law of clergy discipline was first made by Parliament, and permission was then given to Convocation to enact a new canon on the subject. The truth is, as even the *Quarterly Review* admits, "the modern Convocation is an academic Debating Society, without a shred of power except in administration, and exercising no influence over legislation except to ensure the defeat of any measure in which it is interested by means of its recommendation."

THE CORONATION OATH.

The Act 1 William & Mary, c. 6 (1688), entitled "An Act for Establishing the Coronation Oath," imposes a new form of oath, in which the sovereign swears, amongst other things, that he or she "will maintain the laws of God, the true profession of the Gospel, and the Protestant reformed religion established by law."

But in the following reign, when the union with Scot-

¹ *Chronicle of Convocation*, 1864-5, pp. 2353-7.

² *Quar. Rev.*, July, 1892, p. 282.

land, with its Presbyterian Church Establishment, was effected, this form of oath, simply binding the sovereign to the maintenance of the "Protestant Reformed Religion," was not deemed sufficiently explicit, and an Act (5 Anne, c. 5, 1705) was passed, adding a new clause to the oath. The Act is called an "Act for securing the Church of England as by law established." The preamble recites that, in view of the union with Scotland, "it is reasonable and necessary that the true Protestant religion, professed and established by law in the Church of England," "should be effectually and unalterably secured"; and it is therefore enacted that all future sovereigns shall, at their coronation, "take and subscribe an oath to maintain and preserve inviolably the said settlement of the Church of England, and the doctrine, discipline, and government thereof, as by law established"; and the new clause thus added forms part of the oath as it still stands in the Coronation Service.

"ESTABLISHED BY LAW."

This formula dates from the times immediately following the Reformation, and obviously refers to the changes which were then made.

At first the expression "established by law" was applied exclusively to the new doctrines or practices enjoined, or to the documents in which they were set forth. Thus the 5 & 6 Edward VI., c. 1, refers to the "establishing of the Book of Common Prayer." The 23 Eliz., c. 1, extends the application of the phrase, and speaks of "the *religion* now by her highness's authority established," as well as of the "divine service which is established by the law of this realm." Before long, however, the phrase came to be applied indiscriminately to the formularies of the Church, and to the Church itself. The formula "the Church of England by law established" seems to have been first used in the Canons of 1603, which speak both of "the Church of England by law established;" and of "the Church of England and the orders and constitutions therein by law established"

(Canons 3 and 10).¹ In the same year (1603) in a Declaration of James I. the form is used "the ecclesiastical State established by the laws;" while in another declaration of King James, which is prefixed to the Thirty-nine Articles in the Prayer Book, and was first issued in 1628, the form occurs "the doctrine and discipline of the Church of England now established."

The declaration issued by Charles II., in October, 1660, speaks both of "the Church of England as it is established by law," and of "the liturgy of the Church of England, contained in the Book of Common Prayer, and by law established;" while in the Act of Uniformity of 1662 the form used is "the liturgy of the Church of England as it is now by law established." In 1689, both Houses of Parliament (including the "Lords spiritual") presented an address to William III., thanking him for his gracious declaration to "maintain the Church of England established by law;" and the king, in his reply, repeats the assurance that he "will maintain the Church as by law established." The Journals of the House of Commons show that, in 1703, the Lower House of Convocation thanked the House of Commons for the consideration it had shown to "the Church of England as *now* by law established."

One of the earliest Acts of Parliament in which the formula, as now commonly used, appears is the 12 & 13 Will. III. c. 2 (the "Act of Settlement," 1700-1), which speaks of "the Church of England as by law established." The 13 Will. III. c. 6 (1701), has the same language; and from that time onward the formula constantly occurs in the Statute Book.

The 2 & 3 Anne, c. 11 (1703), the Act which founded "Queen Anne's Bounty," speaks both of "the Church as by law established," and of "the liturgy and rites of the Church of England as now by law established." The latter of these two forms is repeated in many subsequent Acts relating to the augmentation of small livings. The

¹ This 10th Canon also speaks of "another Church *not* by law established," of course referring to the Catholic Church.

5 Anne, c. 5 (1705), which is called "An Act for securing the Church of England as by law established," has been referred to in a previous section. The 10 Anne, c. 2 (1711) is entitled "An Act for preserving the Protestant religion by better securing the Church of England as by law established," and in its preamble referring to the Acts 13 Chas. II. stat. 2, c. 1, and 25 Chas. II. c. 2, it says, "both which Acts were made for the security of the Church of England as by law established;" while the 12 Anne c. 7 (1712), is "An Act to prevent the growth of schism, and for the further security of the Churches of England and Ireland as by law established."

The 58 Geo. III. c. 45 (1818) granted £1,000,000 for the building of churches "for the celebration of Divine service according to the rites of the United Church of England and Ireland as by law established;" while the 6 & 7 Will. IV. c. 77 (1836), which appointed the Ecclesiastical Commission, is entitled "An Act for carrying into effect the reports of the Commissioners appointed to consider the state of the Established Church in England and Wales," and it provides that all the members of the Commission, other than archbishops and bishops, shall sign the following declaration:—

"I do hereby solemnly, and in the presence of God, testify and declare that I am a member of the United Church of England and Ireland as by law established."

The Irish Church Act (32 & 33 Vict. c. 42, 1869) is entitled "An Act to put an end to the establishment of the Church of Ireland," and its preamble begins thus:—

"Whereas it is expedient that the union created by Act of Parliament between the Churches of England and Ireland as by law established should be dissolved, and that the Church of Ireland as so separated should cease to be established by law, &c., &c."

And the second clause is as follows:—

"On and after the 1st day of January, 1871, the said union created by Act of Parliament between the Churches of England and Ireland shall be dissolved, and the said Church of Ireland . . . shall cease to be established by law."

Then, lastly, the 2nd clause of the Clerical Disabilities Act of 1870 (33 & 34 Vict. c. 91), says—"In this Act the term 'the Church of England' means the Church of England as by law established."

MEMBERSHIP OF THE CHURCH OF ENGLAND.

To the question, "What constitutes membership of the Church of England?" the law knows no other answer than that of Hooker in the "Ecclesiastical Polity,"—"that there is not any man a member of the Commonwealth which is not also of the Church of England."¹ Blackstone takes the same view. He says the laity of the Church of England are "such of the people as are not comprehended under the denomination of clergy."²

The *Times* has put the case thus—

"The fact is, that all Englishmen are, by law, members of the Church. It is about as difficult for any Englishman to separate himself from the Church of England as it is for the Church of England to separate itself from him. Indeed, practically, there is no such act, form, or way of separation."³

The late Dean Stanley strongly insisted on this view, and was in the habit of speaking of Dissenters as "Nonconformist members of the Church of England." Lord Selborne, however, endeavours to show that this idea is inconsistent with the Toleration Act; and he cites a decision of the House of Lords in the Ilminster Grammar School Case (1860), in opposition to the view that courts of justice do not recognise any distinction between members of the Church of England and Nonconformists.⁴ It is also true that in some Acts of Parliament persons are required for certain purposes to declare themselves members of the Church of England, *e.g.*, the 6 & 7 William IV. c. 77 (1836). The Public Worship Regulation Act (37 & 38 Vict. c. 85, 1874) also requires that the complainant shall solemnly declare that he is "a member of the Church of England as by law established." But these are excep-

¹ *Eccles. Polity*, Book VIII., sect. 2.

² *Blackstone's Com.*, Book I., c. 11.

³ *Times*, Oct. 7th, 1876.

⁴ *Defence*, p. 196.

tional cases, and contrary to the general spirit of English law ; which recognises the parishioner as such as being, for all practical purposes, a member of the National Church.

It is, therefore, substantially correct to say that—

“In law every parishioner is a Churchman ; so that, if they will, Jews, Turks, Heretics, and Infidels can attend a vestry meeting, and vote on questions of vital importance to the Church.”¹

Mr. Chancellor Dibdin puts the same fact in another form when he says, “So long as the Church is established, every citizen has a right to a voice in her business”² ; while the *Quarterly Review* speaks of “the National Church” as an institution “into which every man is born just as he is born an Englishman.”

¹ Rev. F. A. Macdona, rector of Cheadle, in *Manchester Guardian*, Sept. 24th, 1889.

² *Record*, July 14th, 1893.

³ *Quar. Rev.*, July, 1892, p. 259.

CHAPTER V.

THE BISHOPS OF THE ESTABLISHMENT.

THE Archbishops and Bishops are the official chiefs of the Church Establishment, and the rank, authority, and emoluments attached to their offices mark distinctly its privileged position.

The Archbishop of Canterbury is the first peer of the realm, and has precedence, not only of all the other bishops and clergy, but of all the nobility and great officers of State; ranking next to the Princes of the royal blood. The Archbishop of York has precedence over all dukes, not being of the blood royal, and also of all the great officers of State except the Lord Chancellor; and the Bishops have precedence over all barons under the degree of viscount.¹

Ecclesiastically, England and Wales is divided into two provinces—the Province of Canterbury, comprising the twenty-four southern dioceses, and the Province of York, comprising the ten northern dioceses; each province being presided over by its Archbishop as Primate and Metropolitan. But the Archbishop of Canterbury is styled Primate of *all* England and Metropolitan, and has authority in granting faculties and dispensations in the provinces of both Canterbury and York. The Archbishop of Canterbury has also the privilege of crowning the Sovereign (King or Queen); while the Archbishop of York has the privilege of crowning the Queen Consort and of being her perpetual chaplain.²

¹ Phillimore's *Ecclesiastical Law*, p. 37.

² *Ibid.*

THE BISHOPS AND THEIR SALARIES.

The following table gives the names of the present bishops, with the date of their appointment, and their official stipend; while the letters in the last two columns indicate (1) the Church parties (High, Evangelical, Broad) to which the several bishops are commonly regarded as belonging, and (2) the Prime Minister (Gladstone, Salisbury, Disraeli-Beaconsfield, Palmerston) who nominated them to their present positions:—

PROVINCE OF CANTERBURY.

DIocese.	BISHOP.	Ap- pointed	Stipend.	Ecc. Party.	Ap- pointed by.
			£		
Canterbury	Dr. Benson ..	1883	15,000	H.	G.
London	Dr. Temple ...	1885	10,000	B.	G.
Winchester	Dr. Thorold ...	1891	6,500	E.	S.
Bath and Wells ...	Lord A. C. Hervey	1869	5,000	H.	G.
Chichester	Dr. Durnford ...	1870	4,200	H.	G.
Gloucester & Bristol	Dr. Ellicott ...	1863	5,000	E.	P.
Ely	Lord A. Compton	1886	5,500	H.	S.
Exeter	Dr. Bickersteth .	1885	4,200	E.	G.
Hereford... ..	Dr. Atlay	1868	4,200	H.	D.
Lichfield... ..	Dr. Legge	1891	4,000	H.	S.
Lincoln	Dr. King	1885	4,500	H.	G.
Norwich... ..	Dr. Sheepshanks	1893	4,500	H.	G.
Oxford	Dr. Stubbs... ..	1888	5,000	H.	S.
Peterborough... ..	Dr. Creighton ...	1891	4,500	H.	S.
Rochester	Dr. Davidson ...	1891	3,100	B.	S.
St. Albans	Dr. Festing	1890	4,500	H.	S.
Salisbury	Dr. Wordsworth	1885	5,000	H.	S.
Southwell	Dr. Ridding	1884	3,500	H.	G.
Truro	Dr. Gott	1891	3,109	H.	S.
Worcester	Dr. Perowne	1890	5,000	B.	S.
Bangor	Dr. Lloyd	1890	4,200	B.	S.
Llandaff	Dr. Lewis	1883	4,200	H.	G.
St. Asaph	Dr. Edwards	1889	4,200	H.	S.
St. David's	Dr. Jones	1874	4,500	L.	D.

PROVINCE OF YORK.

DIocese.	BISHOP.	Ap- pointed	Stipend.	Ecc. Party.	Ap- pointed by.
York	Dr. Maclagan ...	1891	£ 10,000	H.	S.
Durham	Dr. Westcott ...	1890	7,000	B.	S.
Carlisle	Dr. Bardsley ...	1891	4,500	E.	S.
Chester	Dr. Jayne	1889	4,200	H.	S.
Liverpool	Dr. Ryle	1880	3,500	E.	D.
Manchester	Dr. Moorhouse ...	1886	4,200	B.	S.
Newcastle-on-Tyne	Dr. Wilberforce	1882	3,500	H.	G.
Ripon	Dr. Carpenter ...	1884	4,200	B.	G.
Wakefield	Dr. How	1888	3,000	H.	S.
Sodor and Man ...	Dr. Straton ..	1891	2,000	E.	S.

RECENT EXTENSION OF THE EPISCOPATE.

There are now thirty-four bishoprics in the English Establishment. Of these eighteen date from pre-Reformation times; six were founded by Henry VIII., and endowed out of the revenues of the suppressed monasteries; and ten have been created in recent times. In 1836, the 6 & 7 William IV. c. 77, created the see of Ripon; and, in 1847, the 10 & 11 Vict. c. 108, created the see of Manchester. In 1875, the 38 & 39 Vict. c. 34, created the see of St. Albans; in 1876, the 39 & 40 Vict. c. 54, that of Truro; and in 1878, the 41 & 42 Vict., c. 68, authorised the creation of the sees of Liverpool, Newcastle, Southwell, and Wakefield, which have all since been founded. In 1884 an Act (47 & 48 Vict. c. 66) was passed to disunite the sees of Gloucester and Bristol, and revive a separate bishopric of Bristol. But the necessary funds have not yet been obtained, and the Act is in abeyance.

Cost of recent Bishoprics.—In all these recent extensions of the Episcopate, by far the larger part of the expense has had to be met by the voluntary contributions of Churchmen themselves. In each case some assistance has been derived from the property of the older bishopric or bishoprics, out of which the new see has been formed;

but the amount which has had to be provided by voluntary offerings has still been very large. The Bishoprics Act, 1878, which regulates this matter, provides as follows:—

“Whenever the Ecclesiastical Commissioners certify to Her Majesty with respect to the endowment fund of any new bishopric that the annual value of such fund, together with the annual sum [to be derived from the older bishopric], is not less than £3,500 a year, Her Majesty, by order in Council, may found the new bishopric.”

The result of this is that the voluntary contributions necessary for the founding of a new bishopric are about £90,000; which, under the circumstances, acts as a serious hindrance to the extension of the Episcopate. For, while Churchmen have to tax themselves thus heavily to obtain a new bishop, they have not the least voice or authority in his appointment.

Sir John Mowbray, speaking in the House of Commons in 1876, on the “Increase of the Episcopate Bill,” said:—

“In the reign of Henry VIII., six sees were created and ten more were promised, but during the last 330 years, notwithstanding that our Church population has become five or six times larger, practically only one addition has been made to the number of our bishops. What was the case of the Protestant Episcopal Church in the United States? It was a voluntary Church, and the number of its bishops was more than twice the number of the bishops in the Church of England, whose members were five times the number of the members of the Protestant Episcopal Church in the United States. What has happened in the Colonies during the same time? Fifty years ago there were, perhaps, half-a-dozen bishops in the Colonies, now there were upwards of sixty Colonial bishops.”¹

Sir John Mowbray added, “That showed what voluntary organisation could do to promote the efficiency of the Church and to increase the number of bishops.” It certainly does; but it shows more. It shows how much the English Church, as a *Church*, is hampered and injured by its position as an Establishment.

THE APPOINTMENT OF BISHOPS.

Selection of a new Bishop.—The first step in the appointment of a bishop is the selection of the person to fill the vacant see. Nominally this rests with the Crown, but the initiative and the responsibility rest with the

¹ *Speech*, February 15th, 1876.

Prime Minister for the time being; who may or may not be a Churchman, or even a professing Christian; and yet it is to him that the Church of England has to look for the choice of the men who are to fill its highest and most responsible positions! It is well known that in times not very remote the lowest and most mercenary considerations have often determined the selection made; royal favourites, or some political partisan of the Minister, having been chosen, with but the smallest regard for the interests of the Church.¹ And although the revived spiritual life of the Church, and the strength of public opinion, have now made it practically impossible to repeat such scandals as the public were familiar with in past times, the law which permitted those scandals remains unchanged, and there is no guarantee that under altered circumstances the gravest abuses may not recur.

A curious light is thrown on this subject by certain passages in the diary of Bishop Samuel Wilberforce. In 1868 the Bishop writes:—

“*Nov. 13th (Blenheim).*—The Duke told me of Disraeli’s excitement when he came out of the Royal Closet. Some struggle about the Primacy. Lord Malmesbury also said that when he spoke to Disraeli, he said, ‘Don’t bring any more bothers before me; I have enough already to drive a man mad.’”

“*Nov. 28th.*—Much talk with the Dean of Windsor. *He* talked with great reserve about the late appointments, but said, ‘The Church does not know what it owes to the Queen. Disraeli has been utterly ignorant, utterly unprincipled; he rode the Protestant horse one day; then got frightened that it had gone too far, and was injuring the county elections, so he went right round, and proposed names never heard of. Nothing he would not have done. . . . Disraeli recommended — for Canterbury!! — the Queen would not have him; then Disraeli agreed most reluctantly, and with passion to

¹ “Time was when bishops were chosen because they were related to great men or to royal courtesans. That was the time when men like Cornwallis and Moore and Manners Sutton were made Archbishops of Canterbury; when one divine bet the king’s mistress £5,000 that he would never be a bishop, and she won her bet, and he paid her; when another good-looking young man married a governess that his titled pupil was sweet upon, and the young nobleman’s grateful mother, who was too notoriously all-powerful with the king, got the deliverer a mitre.”—*Church Times*, Oct. 2nd, 1891.

Tait. . . . Disraeli then proposed Wordsworth for London. The Queen objected strongly . . . then she suggested Jackson . . . and Disraeli chose Jackson. The Queen would have greatly liked —, but Disraeli would not hear of him. You cannot conceive the appointments he proposed and retracted, or was overruled. . . . He had no other thought than the votes of the moment; he showed an ignorance about all Church matters, men, opinions, that was astonishing, making propositions one way and the other, riding the Protestant horse to gain the boroughs, and then, when he thought he had gone so far as to endanger the counties, turning round.”¹

“*Election*” by the Dean and Chapter.—The next step is the so-called “election” by the Dean and Chapter, which takes place under the Act 25 Henry VIII. c. 20.

On the occurrence of a vacancy the Dean and Chapter notify the fact to the Crown, and petition for leave to elect another bishop. In due course the *cong   d’  lire*, or “leave to elect,” is forwarded, accompanied by the Royal “letter missive,” in which the Sovereign “recommends” by name the person to be “elected”; and, as previously stated, the statute requires the Dean and Chapter “with all speed and celerity to elect and choose the person named in the said letter missive, and none other,” under peril of incurring the penalties of *pr  munire*.

It is not surprising that this mock election, in which there is no choice, is generally regarded as a grave scandal, and has repeatedly called forth the indignant condemnation of Churchmen. In 1863 Dr. Hook, preaching before the Manchester Church Congress, spoke of the *cong   d’  lire* as a “lying document,” and many similar denunciations might be quoted.

The prayer for divine guidance.—Nothing has tended more strongly to deepen the feeling of repugnance to this mockery of an “election” than the belief that the assembled Chapter offer a prayer for divine guidance as to the person they shall choose, with full knowledge that they are bound to elect the nominee of the Crown.

It has been denied that any such prayer is now offered; but there can be little doubt that it has been the ordinary

¹ *Life of Bishop Wilberforce*, vol. iii., pp. 268, 269.

custom up to a comparatively recent period, if it be not still. At a clerical conference at Wolverhampton, on July 29th, 1884, the Rev. J. C. Cox, LL.D., now rector of Barton-le-street, Yorks, said —

“It was painful to think of the real act of blasphemy which was committed against the Holy Ghost every time a bishop was appointed. He recently examined the official documents relating to the appointment of bishops of Lichfield, and in them were directions to the Dean and Chapter that they were to invoke the Holy Spirit in making a proper and right choice.”

Again, the Rev. S. Tyacke, M.A., rector of St. Levan, Cornwall, in a paper read at another clerical meeting, in 1867, and published at the request of the clergymen present, says of these episcopal elections—

“The proceedings are opened with prayer to Almighty God to help them to a right judgment; next comes, as a matter of course, the election of the person named in the ‘Letters missive’; and the shameless farce is wound up with a *Te Deum* in the Cathedral.”¹

It seems probable from the above that the prayer used on these occasions is the “collect” for Whit Sunday, the prayer of which is—“Grant us, by the same spirit, to have a right judgment in all things”; and, if that be so, the prayer is clearly one for divine guidance in the business the Dean and Chapter then have in hand, the “election” of a bishop. And the use of such a prayer, under the circumstances, justifies the language in which the proceeding is condemned by the clergymen above quoted.

Confirmation of the election.—But if the “election” itself is “a shameless farce,” the “confirmation” of the election is little, if at all, better. Lord Grimthorpe, who, as Chancellor of York, is perfectly familiar with the whole proceeding, has described it in detail in a letter to the *Times* (June 10th, 1891), and he pronounces it to be “a semi-religious imposture from beginning to end.”

All the leading facts in connection with the “election” of a bishop, and its subsequent “confirmation,” have been brought under public notice on three occasions

¹ *The Congé d'Elire*, &c., Rivingtons, London, 1867, p. 16.

in recent years. The first was in connection with the appointment of Dr. Hampden to the see of Hereford in 1847; the second, in connection with the appointment of Dr. Lee to Manchester in 1848; and the third, in connection with the appointment of Dr. Temple (the present Bishop of London) to the see of Exeter in 1869; and, reviewing the proceedings in the first of these cases, the *English Churchman* of the time said—

“We could be almost thankful to Lord John Russell and Dr. Hampden that they have called up from the realm of shadows all the lies and hypocrisies and mockeries, all the profanities and wickedness which exist under the awful name of Law, all the scandal and absurdity which attend every step of a bishop’s appointment. . . . There is not a miserable sect, not a trumpery corporation, not a shabby loan society or mechanics’ institute, which would be thus trampled upon and abused.”¹

This may seem to be strong language, but it is fully justified by the facts of the case; and the sting of it all is that the Law in regard to the matter remains precisely as it was in 1848.

Appointments to new bishoprics.—In the case of newly-formed bishoprics, and so long as there is no Dean and Chapter, the appointment of the bishop is made direct by the Crown by “letters patent,” and is notified in the *London Gazette*, as if the new bishop were an ordinary State official. The Bishopric of Truro Act (39 & 40 Vict. c. 54, 1876) provides that:—

“So long as there is not a Dean and Chapter of Truro, Her Majesty may appoint the Bishop of Truro by letters patent, and such letters patent shall be made in the like manner, so far as circumstances admit, and have the same effect, as letters patent of Her Majesty nominating a Bishop in the case of a Bishopric where a Dean and Chapter have not proceeded to elect a Bishop in accordance with the licence and letters missive of Her Majesty.”²

In the Bishoprics Act of 1878 (41 & 42 Vict. c. 68), authorising the creation of the sees of Liverpool, Newcastle-on-Tyne, Southwell, and Wakefield, this provision is made general, the words of the clause running—“So

¹ *English Churchman*, January 13th, 1848.

² See *ante*, p. 58.

long as there is not a Dean and Chapter of any new bishopric founded in pursuance of this Act, Her Majesty may," &c., &c.

By these Acts, therefore, the Crown is authorised to invest its nominees with spiritual jurisdiction over the members of the Church of England, without any pretence of concurrence on the part of the Church itself; and also to transfer, without consent asked or given, the obligations involved in the oath of canonical obedience to the bishop, which is taken by every clergyman on entering into possession of a benefice. A more naked intrusion of the secular authority into the most sacred affairs of the Church it is hardly possible to conceive. In what light some Churchmen regard this proceeding may be seen by the following passage from a pamphlet, entitled, "Bishops by Act of Parliament and Letters Patent," published on the passing of the Bishopric of Truro Act, by Dr. T. W. Mossman, who says:—

"Nothing has happened in our generation better calculated to open men's eyes to discern the limits of spiritual and temporal jurisdiction, than the recent appointment of the Crown to the State-created bishopric of Cornwall. As long as men's vision was obscured by the *congé d'élire*, it was difficult to get them to see that it was really the State which appointed all the chief pastors of the Church of England. What will Churchmen say now to the manner in which an appointment is made to the bishopric of Truro? The Bishop of Truro will be, I suppose, in the theory of High Churchmen, the chief pastor of the Catholic Church in Cornwall. He only will have supreme authority to feed the flock of God within the limits of that county. All the members of the Church of England—at least in Cornwall—will, I suppose, be bound to obey him in spiritual things. If they are obedient to him, they will be obedient to Christ. If they disobey him, they will be guilty of disobedience to the Divine Head of the Church universal. And all this tremendous authority, with its really awful consequences . . . is to depend upon the drawing up of certain legal forms, called Letters Patent, by some gentlemen who are known by the name of the law officers of the Crown!"

Dr. Mossman also says that "the Word of God nowhere encourages me to hope that if I have taken an oath to obey one particular person in spiritual things, an Act of Parliament can transfer the obligation of my oath to another person," and he insists that "it is the establishment of a branch of the Church of Christ by human and

temporal law which alone renders these iniquities possible; which alone blinds the eyes to their unscriptural and anti-Christian character."¹

Suing for the Temporalities.—Before the newly-appointed bishop can formally take possession of his see he has to sue the Sovereign for the "temporalities," or endowments, of the bishopric, and to take the Oath of Homage; and here, again, the absolute dependence of the Church as an Establishment on the civil power is clearly brought out. In this suing for the temporalities the bishop has to make personal application to the Sovereign, and the law books thus describe the ceremonial: "The bishop, being introduced into the King's presence, shall do his homage for his temporalities or barony by kneeling down, and putting his hands between the hands of the King, sitting in his chair of State, and by taking a solemn oath to be true and faithful to his majesty, and that he holds his temporalities of him."² There appear to have been various forms of the Bishop's Oath of Homage taken at different periods. In 1875 Earl Russell, in a letter to the *Times*, gave the form of the oath then usually taken. It runs thus:—

"I, ———, Doctor of Divinity, now elected, confirmed, and consecrated Bishop of ———, do hereby declare that your Majesty is the only Supreme Governor of this your realm in spiritual and ecclesiastical things, as well as in temporal, and that no foreign prelate or potentate has any jurisdiction within this realm; and I acknowledge that I hold the said Bishopric, *as well the spiritualities as the temporalities* thereof, only of your Majesty. And for the same temporalities I do my homage, presently to your Majesty. So help me God."³

The publication of this "secret cath," as it was called, gave great concern to many Churchmen, because of the explicit avowal which it makes, that the "spiritualities" of the bishopric, as well as its temporal possessions, are derived from the Sovereign. The fact hardly seems to have been realised before how completely the Church is sunk in the Establishment. One clerical writer was

¹ *Bishops by Act of Parliament, &c.*, Hodges, London, 1877.

² *Phillimore Ecc. Law*, vol. i., p. 60. ³ *Times*, March 6th, 1875.

“grievously scandalised by this startling discovery”; and another, the Rev. F. H. Grey, rector of Horcliff, in a letter to the *Church Times*, well expressed the prevalent feeling: “Some of us have hitherto been weak enough to think that a bishop holds the spiritualities of his office from the Great Head of the Church; but we now learn that it is from the supreme Governor of this realm.”

THE BISHOPS IN PARLIAMENT.

The Bishops have had a place in the legislative assembly of the nation from the earliest times of our history. They formed part of the Witenagemots in Anglo-Saxon times, and of the great council of the kingdom under the Norman kings. In later time, with the mitred abbots, they constituted a majority of the House of Lords.

Before the formation of the see of Manchester, in 1847, all the bishops, with the exception of the Bishop of Sodor and Man (who, having originally been the nominee of a subject, has never been summoned to serve in Parliament), had seats in the House of Lords; but the Act which founded the see of Manchester (10 & 11 Vict. cap. 108), while adding to the number of bishops, provided that there should be no addition to their number in the House of Lords. The terms of the Act are—

“Be it enacted that the number of Lords Spiritual now sitting and voting as Lords of Parliament shall not be increased by the creation of the Bishopric of Manchester; and whenever there shall be a vacancy among the Lords Spiritual by the avoidance of any one of the Sees of Canterbury, York, London, Durham, or Winchester, such vacancy shall be supplied by the issue of a Writ of Summons to the Bishop who shall be elected to the same see: but if such vacancy be caused by the avoidance of any other see, such vacancy shall be supplied by the issue of a Writ of Summons to that Bishop who shall not have previously become entitled to such Writ.”

The substance of this clause has been inserted in all the Acts since passed for the founding of additional bishoprics; and its effect is that, while the bishops of the five principal sees above named always have seats in the House of Lords, the other bishops have no seats there on their first appointment, but are called to the Upper

House in turn, as vacancies occur, in the order of their appointment. There are now eight bishops that have no seats in the House of Lords, exclusive of the Bishop of Sodor and Man. The bishop last summoned to the House (not being the bishop of either of the five principal sees), is the chaplain of the House.

The Bishops as Legislators.—On no subject connected with the Established Church perhaps is there greater unanimity than in the opinion that it would be better for the Church and the nation that the bishops should cease to sit in the House of Lords. No one has spoken more plainly on the subject than the Bishop of Liverpool. In his Church Reform Papers he says:—

“Our bishops would be far more useful if, as a body, they had no seats in the House of Lords. Let four or five of them be elected to sit there by representation, but let the rest be allowed to reside always in their respective dioceses. Such an arrangement would save a good deal of expense, and enable bishops to devote themselves entirely to their own proper work. It would keep them from intermeddling in politics, and take away all excuse for selecting them for office on account of their political opinions. The notion that English Christianity would suffer damage if the bishops were withdrawn from the House of Lords appears to me entirely devoid of foundation. I have read the debates in Parliament with considerable attention for twenty-five years, and I am unable to see that the Church of England derives much benefit from its bishops being temporal peers. On the contrary, the complaint has been made, and with no little show of reason, that in the debates and divisions of the Upper House the bishops are often present when they ought to be absent, and absent when they ought to be present. The little good that they do in the House of Lords certainly does not outweigh the harm that is done by absence from their dioceses, and by an expensive sojourn in London.”¹

Dean Plumptre held still more decided views. He says—“It may be questioned, I think, whether the presence of the bishops in the House of Lords is of any real advantage to either the Church or the nation. The record of their votes on questions essentially moral—such as the slave trade, slavery, capital punishment, education—has for the most part been on the wrong side.”² As the

¹ *Church Reform Papers*, pp. 29, 30.

² *Contemporary Review*, December, 1885.

result of this strong disapproval of the action of the bishops in the House of Lords, motions have on several occasions been made in the House of Commons to relieve them from their attendance in Parliament; and, when on March 21st, 1884, Mr. Willis moved a resolution with that object it was defeated by only eleven votes. The *Pall Mall Gazette*, on the eve of the debate, opposed the motion for the following, among other, reasons:—

“The chief reason why the Bishops should be allowed to remain in the House of Lords is to illustrate before the eyes of the nation some of the evil consequences of an Established Church. As long as the lawn sleeves remain in the gilded chamber we need never lack for proof of the political mischief of a Church Establishment. They are such useful illustrations, elevated on so lofty a pedestal, of the evil political influence of an Establishment that all who really wish for a free Church in a free State would do well to think twice and even thrice before supporting Mr. Willis.”

THE VOTES OF THE BISHOPS.

The following is a record of some of the principal votes given by the bishops in recent times:—

						Bishops.	
						For.	Against.
1810	Reform of Criminal Law	...	...	...	...	0	7
1839	Education Bill	...	...	...	...	3	15
1821	Catholic Disabilities Removal	...	...	...	...	2	25
1829	Catholic Emancipation	...	...	...	...	10	19
1831	Reform Bill	...	...	...	...	2	21
1832	Reform Bill	...	...	...	...	12	15
1833	Repeal of Jewish Disabilities	...	...	...	...	3	20
1858	Ditto	...	...	...	...	7	11
1834	Opening of Universities	...	...	...	...	2	22
1867	Abolition of Tests in Universities	...	...	...	...	2	4
1867	Ditto	...	...	...	...	0	3
1858	Church Rate Abolition	...	...	...	...	0	24
1860	Ditto	...	...	...	...	0	16
1867	Ditto	...	...	...	...	0	7
1860	Paper Duty Repeal	...	...	...	...	9	4
1860	Qualification for Office (Abolition of	...	...	...	...
	“muzzling” declaration)	...	...	...	...	0	4
1862	Ditto	...	...	...	...	1	12
1863	Ditto	...	...	...	...	0	8
1865	Ditto	...	...	...	...	1	12
1876	Nonconformist Services in Churchyards	...	...	...	...	1	16
1877	Ditto	...	...	...	...	1	15

		Bishops	
		For.	Against.
1877	Nonconformist Services in Churchyards ...	3	11
1877	Ditto	4	8
1880	Ditto	10	6
1883	Marriage with Deceased Wife's Sister ...	0	22
1883	Ditto	0	17
1883	Abolition of payment of wages in public-houses	2	0
1891	Factories and Workshops Bill (inclusion of laundries)	2	0

THE BISHOPS' RESIGNATION ACT.

In 1869, the 32 and 33 Vict. c. 111 was passed "for the relief of Archbishops and Bishops when incapacitated by infirmity." It provides that—

"On a representation being made to Her Majesty . . . that any archbishop or bishop in England is desirous of resigning . . . by reason that he is incapacitated by age or some mental or permanent physical infirmity from the due performance of his duties, it shall be lawful for Her Majesty, if satisfied of such incapacity, and that such archbishop or bishop has canonically resigned, by Order in Council, to declare such archbishopric or bishopric to be vacant, and thereupon such vacancy may be filled up in the same manner, and with the same incidents in all respects, as if such archbishop or bishop were dead."

The Act then provides that the retiring prelate shall receive yearly "out of the revenue of the archbishopric or bishopric, and as a first charge thereon," not less than £2,000, or more than one-third of the income previously enjoyed. Under the provisions of this Act several bishops have resigned.

BISHOPS AND THEIR WEALTH.

The Bishop of Liverpool, in his *Church Reform Papers*, insists that "if the English dioceses were properly diminished in size, a salary of £2,000 a year, with a residence, would be sufficient for each bishop," with an additional £1,000 a year to those who have seats in the House of Lords. But in his "Disestablishment Papers,"

published in 1885, the Bishop says that, as things now are, "the bishops have so many demands on their purses that they can hardly make both ends meet."

This is so contrary to common belief on the subject that it occasioned great surprise; and, with the view of testing its accuracy, the Rev. Mercer Davies, M.A., a clergyman, collected from the records of the Probate Office the facts as to the amount of personal property which had been left by the bishops who have held office in the Established Church from 1856 to 1885, the year in which Bishop Ryle's statement was made. Mr. Davies gives the result of his investigations in the following table, in a pamphlet entitled, "Bishops and their Wealth," published in 1886.

Conse- crated.	Name.	Sec.	Died.	Nominal Income of Sec.	Amount of per- sonalty.
				£	£
1827	Percy ...	Carlisle ...	1856	4,500	90,000
1830	Monk ...	G. and B. ...	1856	5,000	140,000
1824	Blomfield ...	Ches.Lon.(Res. 1856)	1857	10,000	60,000
1824	Bethell...	Bangor ...	1859	4,000	20,000
1831	Maltby ...	Chich., Durham	1859	8,000	120,000
1813	Murray...	Rochester ...	1860	5,000	60,000
1837	Musgrave ...	Here. York ...	1860	10,000	70,000
1840	Pepys ...	Worcester ...	1860	5,000	50,000
1856	Villiers...	Durham ...	1861	8,000	20,000
1826	Sumner ...	Chester, Cant.	1862	15,000	60,000
1845	Turton ...	Ely ...	1864	5,500	40,000
1839	Davys ...	Peterboro' ...	1864	4,500	80,000
1848	Graham ...	Chester ...	1865	4,500	18,000
1860	Wigram ...	Rochester ...	1867	5,000	45,000
1843	Lonsdale ...	Lichfield ...	1867	4,500	90,000
1849	Hinds ...	Norwich (Res. 1857)	1868	4,500	—
1848	Hampden ...	Hereford ...	1868	4,200	45,000
1864	Jeune ...	Peterboro' ...	1868	4,500	35,000
1836	Longley ...	Ripon, Cant....	1868	15,000	45,000
1851	Hamilton ...	Salisbury ...	1869	5,000	14,000
1831	Philpotts ...	Exeter... ...	1869	5,000	60,000
1860	Waldegrave ...	Carlisle ...	1869	4,500	20,000
1848	Lee ...	Manchester ...	1869	4,200	40,000

Conse- crated.	Name.	Sec.	Died.	Nominal Income of Sec.	Amount of per- sonalty.
				£	£
1842	Gilbert... ..	Chichester ...	1870	4,200	12,000
1847	Auckland	B & W. (Res. 1869)	1870	5,000	120,000
1841	Short	St. Asaph (Res. 1870)	1872	4,200	11,000
1845	Wilberforce	Oxford, Winch.	1873	7,000	60,000
1826	Sumner	Winch. (Res. 1869)	1874	10,000	80,000
1840	Thirlwall	St. David's (Res. 1874)	1875	4,500	16,000
1841	Selwyn... ..	N. Z., Lichfield	1878	4,500	16,000
1856	Baring	G. and B., Dur.	1879	8,000	120,000
1856	Tait	London, Cant.	1882	15,000	35,000
1849	Ollivant	Llandaff	1882	4,200	30,000
1857	Bickersteth	Ripon... ..	1884	4,500	25,000
1865	Jacobson	Chester	1884	4,500	65,000
1853	Jackson	Lincoln, Lond.	1885	10,000	72,000
1868	Wordsworth	Lincoln	1885	5,000	85,000
1869	Moberly	Salisbury	1885	5,000	29,000
1870	Fraser	Manchester	1885	4,200	85,000
1873	Woodford	Ely	1885	5,500	19,000

The average value of the personal property left by the above thirty-nine bishops is about £54,000. It is very probable, of course, that some, perhaps many, of these bishops were in possession of considerable private means, irrespective of their official incomes. But there is no suggestion in the above figures that any of them had a difficulty in "making both ends meet"; while some of them, considering that there must have been in their dioceses many brother clergymen suffering from positive destitution, certainly appear to have died "shamefully rich."

CHAPTER VI.

THE CATHEDRAL SYSTEM.

A CATHEDRAL has been described as "the luxury of an Establishment rather than the complement of a Church"¹; and there appears to be a widespread impression among Churchmen themselves that the Cathedral system is little better than an ornamental figure-head to the Establishment, which, while it looks imposing, is of little real use. The truth is the Cathedrals are out of place in the existing ecclesiastical system. In pre-Reformation times it was otherwise; they had then a distinctive function of their own, in harmony with the pomp and stately ceremonial of the Catholic Church. But the simpler forms of Protestant worship "rattle in them like dry bones in a coffin"²; while in popular estimation the Cathedral is "a museum of curiosities with the verger for a showman."³

It is not surprising that, richly endowed and with no special duties to discharge, the Cathedral bodies grew negligent and corrupt, displaying abuses of a graver kind than are to be found in any other part of the Establishment system. And those who knew them best were the loudest in their complaints. Half a century ago, the Rev. R. Whiston, of the Cathedral Grammar School, Rochester, declared that, "If Christianity had not been founded upon a rock, against which the gates of hell could not prevail, such advocacy as that of cathedral bodies had been might well have overwhelmed it." And although the hand of the reformer has been busy since then, and in a few exceptional cases Cathedral bodies have displayed some energy and zeal, yet so little has been done to improve the condition of the cathedral establishments generally, that the Bishop of Liverpool declares that, "as a rule they have

¹ *Essays on Cathedrals.* Edited by J. Howson, D.D., Dean of Chester (1872), p. 77.

² *Ibid.*, p. 7.

³ *Ibid.*, p. 6.

proved an entire and dead failure," and "on the whole have done far more harm than good to the cause of Christianity in England."¹

ORIGINAL DESIGN OF CATHEDRALS.

The original design of the earliest Cathedrals was that they should be missionary colleges, where the bishop and his clergy should live together, supported by common funds, and whence the clergy were to go out into the surrounding country to convert the inhabitants to the Christian faith. In later times, when parish churches had become numerous, the cathedral clergy almost wholly lost this missionary character, and their duties were confined to the Cathedral itself and its daily services.

In the old Cathedrals, however, a certain number of the staff were enjoined to be always in residence, and in the new Cathedrals of Henry VIII. the same rule was laid down by the original statutes. The charters of Chester and Ely Cathedrals, which, in substance, are similar to those of the other cathedrals of the new foundation,² thus set forth the purpose of the foundation—

"That true religion and the genuine worship of God may be therein wholly restored and reformed after the primitive or pure standard of sincerity, and that from henceforth the truth of Holy Scripture may be taught, the sacraments of our saving religion rightly administered, good moral discipline maintained, youth freely instructed in letters, the old and infirm suitably provided for, and lastly eleemosynary largesses to the poor, the repair of roads and bridges, and all other offices of piety may from thence be abundantly diffused into all the adjacent region, to the glory of Almighty God and the common advantage and happiness of our subjects."

The preamble of the Statutes of those Cathedrals more briefly describe their objects thus:—

"That the pure worship of God may be maintained, and the Holy

¹ *Church Reform Papers*, ed. 1870, p. 71.

² Cathedrals are classed as of the "old" or of the "new" foundation, according as their governing bodies have retained practically their original constitution, or were remodelled, or first formed at the Reformation, or since. The terms "old" and "new" have no reference therefore to the date of origin of the fabrics; some of the oldest cathedrals being of the new foundation.

Gospel assiduously preached; and besides this that, to the advancement of the Christian faith and piety, the youth of our realm may be trained up in sound learning, and the poor for ever maintained.”¹

The Canons of 1603 (43rd) also direct that the cathedral clergy “shall not only preach [in the cathedral] so often as they are bound by law, statute, ordinance, or custom, but shall likewise preach in other churches of the same diocese where they reside, and,” it is added, “especially in those places where they or their church receive any yearly rent or profit.”

ABUSES AND REFORMS.

In 1835 the Church Enquiry Commission reported that the gross revenue of the Cathedrals was £284,241, and the separate estates of the cathedral dignitaries, £75,854; making a total gross annual revenue of over £360,000.

It was found that there was the most extravagant expenditure, and extremely little useful work rendered in return. The Deans were in the receipt of incomes such as these: Durham, £8,066; St. Paul's £5,150; Oxford, £3,112; Westminster, £2,978; Salisbury, £2,679; Windsor, £2,229. The Canons were also highly paid, and were required to keep only a brief residence, and their sole duties consisted in preaching in the Cathedral once or twice in the year; while the prebendaries were not required to be in residence at all, or to perform any duty beyond that of preaching once or twice a year, or, in some cases, one sermon in two years. It was also found that, besides the revenues they derived from the Cathedral estates, the members of the Cathedral body held livings of great value, and in many cases held other offices.

The result of these disclosures was the passing of the Cathedral Act of 1840 (3 & 4 Vict. c. 113) and other measures of reform, which put an end to some of the more glaring abuses of the Cathedral system. A number of useless offices were abolished, and the stipends of those that remained were cut down, especially those of the deaneries; and the funds thus saved were appropriated to

¹ *First Report of Royal Commission on Cathedrals*, 1854, pp. 9, 10.

the relief of the spiritual needs of the people ; “ a vast proportion ” of whom, the Commissioners state, “ were left destitute of the opportunities of public worship and Christian instruction, even when every allowance is made for the exertions of those religious bodies which are not connected with the Established Church.”¹ But the changes made by these reform measures were prospective only, all life interests being saved ; and the result was that many of the grossest abuses continued to exist for years afterwards.²

PRESENT ORGANISATION.

The governing bodies. — The governing body of a Cathedral is the Dean and Chapter ; the latter consisting of the Canons. Its head is the Dean, who has the custody of the fabric and the superintendence of the whole institution. Originally the Bishop was the head of the Cathedral body, and the Cathedral is so named from containing the Bishop’s *cathedra* or official seat. But the Bishop’s authority has long since gone, and the Cathedral is now the one church of the diocese in which the Bishop has less authority than in any other ; the whole management having passed into the hands of the Dean and Chapter.

In the Cathedrals of the new foundation the number and variety of officers, each with his separate duties and revenues, is much less than in those of the old foundation. The influence of the Crown is also much greater in the new foundations than in the old ; their Deans having always been appointed by the Crown, and in several of them the Canons also are appointed by the Crown or the Lord Chancellor. In the old foundations the Canons and

¹ *Second Report*, 1836, p. 57.

² As an illustration, it may be mentioned that Dean (then Canon) Gregory is reported to have stated, at a meeting of the English Church Union on March 8th, 1889, that a friend of his had enjoyed a prebend of £5,000 a year for sixty years ; “ his whole duty,” said the Canon, “ being to preach two sermons a year, which was done for him by a minor canon for a guinea each ! ”

other dignitaries, except the Dean, have always been appointed by the Bishops; and in the Welsh dioceses the Deans also have always been, and still are, appointed by the Bishop.¹

The Cathedral staff.—In addition to the Dean and Canons residentiary, the Cathedral staff includes a large number of other salaried officers, clerical and lay—differing, however, in different Cathedrals, and in some cases the same person holds more than one office. Among the officers is a sub-dean, a chancellor, a treasurer and a sub-treasurer, an almoner, a precentor, a sub-chanter, an organist, a chapter clerk, a registrar and a deputy registrar, a librarian and a sub-librarian, choristers or singing boys, and a number (varying from four to eight) of minor canons, vicars choral or priest vicars, who are responsible for the daily services of the Cathedral, together with a number of subordinate secular officials.²

Non-residence and its results.—One great abuse of the Cathedral system is the non-residence of the so called “residentiary” canons. Mr. Freeman has traced the growth of this abuse in the Cathedrals both of the old and the new foundation in “*Essays on Cathedrals.*” He says:—

“One might have expected that Residentiaries, chosen from among their brethren for the express purpose of residing, would have resided. Yet exactly the same process which went on in the Chapters at large has gone on again in the smaller bodies which arose within them. Residentiaries were appointed because the duty of residence could not be enforced on all the members of the Chapter. The Residentiaries presently began to shirk the duty of residence, just as the Canons at large had formerly done. The strange notion began to prevail that the Chapter was sufficiently represented by the presence of one Canon at a time, and thus arose that anomalous being, ‘the Canon in residence.’ He is supposed to represent for a term, never, I believe, exceeding three months, the whole residentiary body just as the resi-

¹ Freeman's *Cathedral Church of Wells*, p. 54.

² In 1854 the Chapter of Durham stated that in addition to the Dean and nine Canons, “the whole number of officers” then “connected with the Cathedral was 149.”—*Report of Cath. Com.*, p. 47.

dentiary body itself was designed to represent the whole capitular body. One man, in short, is set to discharge the duties of perhaps fifty. Residence is strangely construed to mean nine months' absence from the place of residence. In some places, indeed, it has sometimes meant a perpetual absence." ¹

Another writer in the "Essays," Canon Norris, declares that from this one abuse of non-residence "are deducible all the misdoings which have undermined and threatened with ruin the Cathedral system of the English Church." And he adds: "The abuse of patronage, the political jobbery, the neglect of the fabrics, the decay of reverence, the comparative uselessness for diocesan purposes—all is traceable to the absenteeism of those who are, or ought to have been, most interested to avert these evils." ²

THE CATHEDRAL REVENUES.

It is impossible to say with any certainty what is the amount of public property which is now spent annually on the maintenance of the Cathedral establishments.

Lord Selborne, indeed, states that "the aggregate amount of the stipends of the capitular clergy as now fixed by law" is—deans and canons, £146,836; minor canons, &c., £24,385. ³ But how misleading that statement is as to the total cost of the cathedrals will be seen by the fact that the recent Parliamentary return on the revenues of the Establishment, ⁴ gives the annual income of fourteen only of the Cathedral bodies at £192,460, or over £21,000 a year in excess of the £171,221 which Lord Selborne states is the "aggregate income" of the whole body of the Cathedral clergy. ⁵

¹ *Essays on Cathedrals*, p. 157.

² *Essays, &c.*, p. 45.

³ *Defence*, p. 97.

⁴ *Parly. Paper*, No. 287. Sess. 1891.

⁵ The estates of the other Cathedral bodies are now transferred to the Ecclesiastical Commissioners in exchange for annual payments, which the members of those bodies receive from the Commissioners under various Acts of Parliament.

The following are the stipends of the Deans and Canons of the several Cathedrals, as given in the *Clergy List* for 1892—

Diocese.					Dean.	Canons.	
					£		£
Canterbury ...	...	...	...	...	2,000	6 each	1,000
London ...	...	...	...	...	2,000	4 „	1,000
Winchester...	...	...	...	...	2,000	5 „	910
Bangor ...	...	...	...	...	700	4 „	350
Bath and Wells	...	...	...	...	1,000	4 „	600
Chichester ...	...	...	...	...	1,000	4 „	500
Ely ...	...	...	...	...	1,500 ¹	6 „	— ²
Exeter ...	...	...	...	...	2,000	4 „	2:1,000 ³
Gloucester ...	...	...	...	...	1,500	4 „	600
Bristol ...	...	...	...	...	1,500	4 „	700
Hereford ...	...	...	...	...	1,000	4 „	650
Lichfield ...	...	...	...	...	1,000	4 „	500 ⁴
Lincoln ...	...	...	...	...	2,000	4 „	1,000
Llandaff ...	...	...	...	...	700	4 „	350
Norwich ...	...	...	...	...	1,600	4 „	800
Oxford ...	...	...	...	...	2,800	6 „	1,400
Peterborough	...	...	...	...	1,000	4 „	500 ⁵
Rochester ...	...	...	...	...	1,500	4 „	750 ⁶
St. Albans (no Dean and Chapter)	...	...	...	...	—	—	—
St. Asaph ...	...	...	...	...	700	4 „	350
St. David's...	...	...	...	...	700	4 „	350
Salisbury ...	...	...	...	...	1,000	4 „	500
Southwell (no Dean and Chapter)	...	...	...	...	—	—	—
Truro (no Dean)	...	...	...	...	—	4 „	400
Worcester ..	...	...	...	...	1,400	4 „	750
York ...	...	...	...	...	2,000	4 „	400 ⁷
Durham ...	...	...	...	...	3,000	6 „	1,000
Carlisle ...	...	...	...	...	1,300	4 „	— ⁸
Chester ...	...	...	...	...	1,000	4 „	500
Liverpool (no Dean and Chapter)	..	...	...	...	—	—	—
Manchester...	...	...	...	...	1,500	4 „	600
Newcastle (no Dean and Chapter)	...	...	...	...	—	—	—
Ripon ...	...	...	...	...	1,000	4 „	500
Wakefield (no Dean and Chapter)	...	...	...	...	—	—	—
Sodor and Man (no Dean and Chapter)	..	...	...	...	—	—	—

¹ £1,900 in 1885. ² Each £916 in 1885. ³ Each £1,000 in 1885.

⁴ Only three given in 1892.

⁵ £536 in 1885.

⁶ Each £1,000 in 1885.

⁷ £700 in 1885.

⁸ £700 in 1885.

THE DUTIES OF DEANS AND CANONS.

In 1861, Archbishop Tait told the House of Lords that, when he was Dean of Carlisle, he spent two years "in vain attempts to find out what were the duties of his office," and he appears to have come to the conclusion that practically he had no duties to discharge.¹

But Bishop Harvey Goodwin told the Church Congress at Sheffield, in 1878, that "the Dean of Carlisle is bound by the statutes of his Cathedral to pray for the soul of Henry VIII."²; that, however, is a duty which, it need not be said, no Dean of Carlisle, since the Reformation, has ever thought of performing.

Canon Trevor also made a statement, at the Sheffield Congress, as to the duties of the Canons of York. He said:

"At York we have four Canons residentiary, so-called and paid, because for nine months in every year they do *not* reside, nor have they any duty whatever when they do reside, unless they are also prebendaries, that is, non-residentiary canons. The non-residentiaries preach all the sermons, and make the majority at almost every chapter. Nowhere in church or out of it is there any single duty for a canon residentiary as such. Formerly there was one sermon yearly between the four; but her present Majesty, with that gracious consideration which she ever manifests for the burdens of the clergy, has abolished that sermon by discontinuing the observance of the 30th of January; and now there is not a single word for a residentiary canon of York to say or sing excepting in the character of a non-residentiary."³

It is not surprising that this frank utterance produced great merriment at the Church Congress. But that it represents a general rule with respect to Cathedral dignitaries is clear from what the Bishop of Liverpool says; namely, that the want of all serious work for the Cathedral clergy justifies the reply which Sydney Smith is said to have given when asked to define the duties of Deans and Chapters. "To the best of my knowledge," he said, "the duty of the Dean is to give dinners to the Chapter, and the duty of the Chapter is to give dinners to the Dean."⁴

Bishop Ryle is himself equally severe, and in reference to the younger Deans especially, he can hardly find fitting

¹ *Hansard*, March 14th, 1861.

² *Official Report*, p. 446.

³ *Ibid.*, p. 444.

⁴ *Ch. Ref. Papers*, p. 72.

illustrations of the ridiculous "disproportion between their powers and their sphere of duty." "It is," he says, "disgraceful to the Church of England; and makes one think of a lion turned into a barn to catch mice, or a 600-pounder firing at sparrows, or a locomotive dragging a child's perambulator, or an elephant harnessed to a bath chair!"¹

But, according to the Bishop, Deans are not expected to do any work. He declares that the office is practically a sinecure, and is given away as such.

"It is a fact," he says, "that for three centuries Deans have generally been selected without the slightest consideration for their fitness for high office, the interests of the Church, or the opinion of the Bishop of the Diocese. Too often the appointment has been a mere political job, a reward for electioneering services, or a compliment to some influential family in the county. Prime Ministers have seemed unable to regard Deaneries as anything but comfortable sinecures, with plenty of pay and little work, and have disposed of them accordingly among their friends and clients."—*Ch. Ref. Papers*, p. 71.

The Bishop is so impressed with the gravity of the abuse which the position of Deans and Canons involves that his first proposal as to Cathedral reform is "that the offices of Deans and Canons as they fall vacant, should cease altogether, be suppressed, and done away" (p. 78).

GENERAL CONDEMNATION OF THE CATHEDRAL SYSTEM.

It is not, however, to one or two points merely of the Cathedral system that Bishop Ryle's condemnation applies: he passes a similar judgment on every feature of the system alike.

The Cathedral services.—Of Cathedral worship he says—

"As a general rule it is the very reverse of a model of perfection. Far too often the whole service is cold, chilling, dull, slovenly and irreverent. If a man wants his soul stirred by common prayer and praise, if he wants his conscience roused and his mind informed on spiritual matters, if he is labouring and heavy laden and wants to find rest, if he longs to know more about Jesus Christ and the Gospel, about the last place of worship such a man ever thinks of going to is a cathedral!" (p. 73).

¹ *Ch. Ref. Papers*, p. 85.

Useless in Diocesan work.—On this point the Bishop says—

“Cathedral establishments are of little or no use in the working of English dioceses. If a zealous bishop wishes to promote the cause of education, to awaken an interest in the cause of foreign missions, to evangelise the overgrown parishes of mining and manufacturing districts, to assist the overworked clergy of large cities, who are the men that he gets to help him? Certainly, as a rule, not the Deans and Canons of his Cathedral” (p. 74).

Evil influence in Cathedral towns.—On this “unpleasant subject,” as he calls it, Bishop Ryle says—

“It is a fact that Cathedral establishments have done very little good in Cathedral towns. Be the reason what it may, their influence as a rule, has not been healthy, edifying, or profitable. It is reported commonly by no mean judges, that in no English towns does the Church of England stand so low as in Cathedral cities. In none is there so much bitter Nonconformity. In none is there so much intense dislike of the Establishment. In no part of this island does the Church of England annually pay away such an immense sum to her ministers as she does in every Cathedral town, and in no part does she show such a wretched return for what she expends. The worst item in our Church’s diocesan balance-sheet is the Cathedral!” (p. 74).

Cathedral establishments as aids to learning.—An impression very commonly prevails that, however much Cathedral establishments may have failed in other respects, they have, at any rate, been of great service to the cause of learning. But Bishop Ryle strongly dissents from that view. He says:—

“Our Cathedral Establishments, as a rule, have failed to supply the Church of England with a constant succession of able theological writers. Many excellent people cling fondly to the idea that this is the special vocation of Cathedrals, and that on this point of view they are a success. . . . But unhappily facts tell a very different tale. . . . Out of the hundreds of Deans and Canons who have lived in the last three centuries, with some brilliant exceptions, comparatively few have left any mark on their generation with their pens. Out of the myriads of theological works now lying on the shelves of our libraries, comparatively few valuable volumes have been written in Cathedral closes. Out of the scores of living Deans and Canons in the present day, not many count for much in Paternoster Row. Longman, and Rivington, and Macmillan, and Murray, know nothing of them. There is no getting over these facts. As a matter of experience, Cathedral Establishments do not help forward theological learning. They ought in theory, but they do not in practice” (pp. 75, 76).

The Bishop sums up his indictment of the Cathedral system in the following weighty sentences: "I believe the machine of our Cathedral bodies is worn out, and can never be made to work satisfactorily again." "The Cathedral system has been weighed in the balances for the last three centuries, and found utterly wanting" (pp. 85, 86).

THE FUTURE OF THE CATHEDRALS.

It has often been suggested that the Cathedrals will constitute a difficulty in the way of carrying out any effective scheme of disestablishment. But there is no necessity that it should be so. In practical legislation a severely logical course is not always possible or even desirable.

The Cathedrals exist, and will have to be dealt with. They are historic heirlooms of priceless value, of which the nation is justly proud¹; and there is no insuperable difficulty in utilising them under the system of religious equality, without in any way offending the religious sentiment of the nation.

The use which is already made of some of the Cathedrals for great musical festivals, and for the delivery of lectures on important social questions, might be greatly extended and improved. But much more consonant with the sacred associations of the Cathedrals would be their use, as suggested by Dr. Martineau, by various religious bodies for special religious services, and particularly for annual united services and communions for all who cared thus to meet together. It would be comparatively easy to make such an arrangement after disestablishment; and, so used, there can be little doubt that the Cathedrals would far more effectually witness to the reality and unity of the religious life of the nation than they do at the present time.

¹ Quite apart from Disestablishment and the changes it will introduce, one of the first things that should be done with respect to the Cathedrals is to place them under the care of some public authority directly responsible to Parliament. The fabrics are clearly not safe in the hands of irresponsible deans and chapters. Several of them are in need of extensive repairs; which could be effected without difficulty if the Cathedral funds were generally available.

CHAPTER VII.

THE PAROCHIAL CLERGY.

IN 1875, Canon Ashwell estimated that the total number of the clergy of the Established Church was 20,694, and that 1,651 of them were unattached.¹ But in 1888 Lord Selborne stated that "the number of working clergy in charge of the 13,739 parishes of the Church of England is 13,833," with, in addition, 5,804 curates; making the total number of "working parochial clergy 19,637."² If to these be added the cathedral clergy, those engaged in tuition, and the "unattached," the whole number of the clergy at the present time will probably be about 22,000.

LEGAL CONDITIONS OF ENTRANCE TO THE MINISTRY.

The conditions under which the clergy enter upon their positions in the Establishment are strictly defined by law. First, as to the age of admission to the clerical ranks. It is provided by the 13 Eliz. c. 2 (1571), that "None shall be made minister being under the age of four and twenty years," and more explicitly the 44 Geo. III. c. 43 (1803), provides that "No person shall be admitted a deacon before he shall have attained the age of three and twenty years complete, and no person shall be admitted a priest before he shall have attained the age of four and twenty years complete."

It is one of the inevitable disadvantages of an Established Church that it provides no adequate security that

¹ Report of Select Committee on P. W. facilities Bill p. 13.

² *Defence*, p. 107.

those who enter its ministry shall be fit for that position. In such matters, that which is regulated by legal forms almost inevitably becomes a mere legal formality, and therefore worthless for practical purposes. It is provided by the Act of Elizabeth above-mentioned that—

“None shall be made minister, unless it shall appear to the Bishop that he is of honest life, and professeth the doctrine expressed in the Thirty-nine Articles; nor unless he be able to answer and render to the ordinary an account of his faith in Latin according to the said articles or have gift or ability to be a preacher.”

Before a candidate for the ministry is ordained a formal notice, known as a *si quis*,¹ is issued in the parish in which he resides, calling upon anyone who knows of any “just cause or impediment for which he ought not to be admitted into holy orders,” to signify the same to the Bishop. But, as the Rev. Baptist Noel complained, “The fitness of notoriously careless men is never challenged. Not one of the thousands of candidates for the ministry in England encounters even the whisper of an objection at his ordination.”² The testimony of the Bishop of Liverpool is to the same effect. He says: “It cannot be denied that numbers of young men take orders every year who are thoroughly unfit for the sacred office they enter. . . . It is mere affectation to ignore these things. Every man of common sense knows them.” And the Bishop lays the blame on “those laymen who hear a *si quis* read for an ungodly young man, and make no objection,” and on those clergymen “who sign a candidate’s testimonial for orders when they know that the man who asks for it is unfit to be ordained.”³

The form of ordination of priests and deacons (as also of the consecration of bishops) is prescribed by the Act, 5 & 6 Ed. VI. c. 1 (1551), and duly set forth in the Prayer-Book “annexed” to that Act. The Act of Edward was repealed by Queen Mary, but was revived by the 1 Eliz. c. 1 (1558), and confirmed by the 8 Eliz. c. 1 (1566). The ordination service, with the Prayer-Book as

¹ From the words *si quis*, “if any” person, occurring in the form.

² *Essay on Church and State*, p. 479. ³ *Ch. Ref. Pap.*, p. 135-6.

a whole, was again revised in 1661, and the Act of Uniformity of 1662 (13 & 14 Chas. c. 4) provides that :—

“The said Book of Common Prayer, and the form of ordination and consecration of bishops, priests, and deacons with the alterations and additions which have been made, shall be appointed to be used by all that make or consecrate bishops, priests, or deacons under such sanctions and penalties as the Houses of Parliament shall think fit.”

Oaths and subscriptions required.—The Act of 1662 required that every person holding any benefice or promotion should openly and publicly declare “his unfeigned assent and consent” to everything contained in the Prayer-Book, under penalty of deprivation if they “neglect or refuse to do the same.” But in 1865 the terms of subscription were relaxed, and instead of the old form of “unfeigned assent and consent,” the 28 & 29 Vict. c. 122, provided that “every person about to be ordained priest or deacon” should make the following declaration :—

“I, A. B., do solemnly make the following declaration :—I assent to the Thirty-nine Articles of Religion, and to the Book of Common Prayer, and of the ordaining of Bishops, Priests, and Deacons. I believe the doctrine of the United Church of England and Ireland, as therein set forth, to be agreeable to the word of God ; and, in Public Prayer and administration of the Sacrament, I will use the form in the said book prescribed and none other, except so far as shall be ordained by lawful authority.”

The Act also requires that every person about to be ordained shall take the oath of allegiance to the Sovereign, and the oath of canonical obedience to the bishop ; this latter having been ruled by the Privy Council to mean, “not that the clergyman will obey all the commands of the Bishop against which there is no law, but that he will obey all such commands as the Bishop by law is authorised to impose.”¹

THE PAROCHIAL SYSTEM.

The parochial system is commonly regarded as the most valuable feature of the Church Establishment. And in some respects, no doubt, the idea of the parochial system is

¹ *Judgment* in Long v. Bishop of Capetown.

admirable. It is an arrangement by which the blessings of the gospel are assumed to be brought to every man's door; and which, professedly, gives to all the inhabitants of a certain district, whether they be rich or poor, a legally appointed spiritual guide, whose duty it is to minister the consolations of religion, and generally to care for the welfare of the whole community over which he is placed. It is beautiful as a theory; and it is not surprising that it has won the admiration of men of very different orders of mind.

But the worth of all such contrivances is to be judged, not by what they propose, but by what they actually accomplish; and it is beyond dispute that, in town and country alike, the parochial system is practically a failure. It has broken down absolutely in the large towns, where, notwithstanding the praiseworthy efforts of many of the clergy, it is completely overborne by sheer weight of numbers. And in the country districts, where it might have had a better chance, other defects of the Establishment itself have too often converted the parochial system into a source of evil, rather than of good.

The growth of the system.—It is uncertain at what time parochial divisions began to be made; but at the time of the Reformation there appear to have been about 10,000, and, notwithstanding the enormous increase of the population in the interval, no considerable addition to the number was made until comparatively recent times.

Practically the first step towards the creation of new parishes was taken by the passing of the Church Building Act of 1818 (58 George III. c. 45). But much more important was the "Act to make better provision for the spiritual care of populous parishes" (6 & 7 Vict. c. 37), passed in 1843, commonly called Sir Robert Peel's Act; which authorises the Ecclesiastical Commissioners to divide parishes where "the provision for public worship and for pastoral superintendence is insufficient for the spiritual wants of the inhabitants," under conditions which are specified, and with the proviso that all schemes are to be laid before "Her Majesty in Council." In 1856, a further Act was passed, known as Lord Blandford's Act

(19 & 20 Vict. c. 104), to "extend the provisions" of the previous Act, and "for making better provision for the spiritual care of populous parishes, and further to provide for the formation and endowment of separate and distinct parishes." Like the previous Act, it provides that all schemes for the subdivision of parishes are to be submitted to the Queen in Council, and that "the order of Her Majesty in Council ratifying the scheme for such division shall be good and valid in law for the purpose of affecting the same."

Church-building by law.—The work of parochial subdivision and extension is inseparably connected with the work of church-building. The Act of 1818 was the first of a long series of Acts for church-building. It is called "An Act for building and promoting the building of additional churches in populous parishes." The preamble recites that—

"Whereas the population of Great Britain, and more particularly in the metropolis and its vicinity, and in other cities and great towns, has greatly increased, and the churches and chapels now existing are inadequate to the accommodation of the inhabitants thereof, and whereas it is therefore necessary that such evils should be remedied, and that additional churches and chapels for the celebration of divine service, according to the rites of the United Church of England and Ireland, as by law established, should be erected and maintained . . . be it enacted," &c., &c.

The Act then proceeds to appropriate £1,000,000¹ for the erection of such churches, and to appoint commissioners for the purpose of carrying out its provisions. During the continuance of the Church Building Commission, appointed by this Act, no fewer than twenty-one Acts of Parliament were passed on the subject of church-building, and they form "a most complicated accumulation of enactments which defy analysis, consolidation, and even correct judicial interpretation."² In great part this is due to the extreme and often excessive regard which has been paid to the vested interests of incumbents

¹ By the 5 George IV. c. 103 (1824), a further sum of £500,000 was appropriated for church-building.—*Par. Paper*, 572, Session 1843.

² *Dale's Clergyman's Handbook*, p. 27.

and other beneficiaries, and the result has been that the very laws passed to promote the spiritual interests of the people have hindered rather than helped the work they had in view. The whole of these Acts, however, are now administered by the Ecclesiastical Commissioners,¹ and the difficulties of the work have been somewhat diminished. The Commissioners, in their report for 1892, state that, from the passing of the first Church Building Act in 1818 to the close of the year 1891, no fewer than 3,484 new parochial districts of one kind or another have been formed under the various Acts of Parliament authorising such sub-divisions.²

THE PAROCHIAL SYSTEM IN POPULOUS DISTRICTS.

Notwithstanding the great sub-division of parishes which has taken place, the parochial system in the large centres of population is still little more than a name. In all the great towns it is overwhelmed by the enormous mass of the population; and were it not for the work of the Free Churches large numbers of the people would often be left in a condition of practical heathenism.

As an illustration of this state of things, the following particulars are given from the report of a Diocesan Commission appointed by the Bishop of Wakefield, to ascertain the Church accommodation and the clerical staff in certain parishes of that diocese³ :—

Parishes.	Population.	Total Church Accommodation.	Number of Clergy.
Heckmondwike	10,000	860	3
Liversedge	8,514	730	2
Tong	6,000	550	2
Dewsbury, St. Mark	6,000	744	2
Batley, All Saints'	11,368	870	2
,, St. Thomas	7,250	770	2

¹ The powers of the Church Building Commission were transferred in 1875 (19 & 20 Vict. c. 55) to the Ecclesiastical Commissioners.

² *Report*, p. 50.

³ Quoted from the *Church Times* April 18th, 1890.

Parishes.	Population.	Total Church Accommodation.	Number of Clergy.
Morley, St. Paul	10,000	400	2
Halifax, St. Augustine's	11,500	800	2
„ St. James	10,000	1,200	2
Cross Stone	12,000	1,370	2
Elland	9,000	1,000	2
King Cross	10,000	700	2
Stainland	5,100	480	1
Lockwood	7,200	1,200	2
Golcar	9,000	1,200	2
Mold Green	6,141	420	2
Barnsley, St. George	10,000	1,380	3
Wakefield, St. John	5,500	700	1

But this is by no means an unfavourable example of the position of the Established Church in the great towns generally. The following are the figures from the *Clergy List* for 1892 for some of the parishes in Birmingham : —

Birmingham Parishes.	Population.	Clergy.
St. Martin	10,500	3
All Saints	27,576	3
St. Albans	12,723	4
St. Asaph	10,424	2
St. George	16,076	4
St. Luke	10,487	2
St. Mark	17,544	1
St. Matthias	12,083	3
St. Paul	15,100	2
St. Stephen	15,166	3
St. Thomas	10,309	3

In the *National Review* (February, 1888), Dean Gregory calls attention to these Birmingham parishes, and asks how it can be wondered at, that, in a town thus uncared for by the Church, the people should be so little friendly to its privileged position? But while Birmingham may be a somewhat extreme case, the position of the Church there

is not very different from what it is in other large towns ; and the fact that, in all of them alike, the Church has failed to make adequate provision for the spiritual wants of the population is one, among many, causes of the wide-spread hostility to it as a National establishment.

THE PARSON'S FREEHOLD.

The "parson of the parish" is the "head"¹ of the parish, and has the right to preside at all meetings of the vestry. He is commonly trustee and distributor of the parish charities, and in a variety of ways has an authority in parish affairs such as belongs to no other person.

But the peculiarity of his position is that he has a "freehold" in his living. "A parson," says Blackstone, "has, during his life, the freehold in himself of the parsonage house, the glebe, the tithes, and other dues."² The incumbent's hold upon his living is thus secured to him by all the rights of property ; and within certain wide limits he is free from all control, and cannot be disturbed in the possession of his benefice. It is this which has so largely interfered with the successful working of the parochial system.

The Rev. Dr. Jessopp, rector of Scarning, Norfolk, says:—

"The philosopher of the future will, I believe, be amazed and perplexed by nothing so much as by the strange vitality of this legal phenomenon—the parson's freehold. Imagine a postman or a prime minister, a clerk in the Custom House, or the captain of a man-of-war, an assistant in a draper's shop, or your own gardener, having an estate for life in his office, and being able to draw his pay to his dying day, though he might be for years blind, and deaf, and paralysed, and imbecile—so incapable, in fact, that he could not even appoint his own deputy, or so indifferent that he cared not whether there was any deputy to discharge the duties which he himself was paid to perform. Imagine any public servant being thrown into prison for a flagrant misdemeanour, or worse than a misdemeanour, and coming back to his work when the term of his imprisonment was over, receiving the arrears of pay which had accrued during the time he was in gaol, and quietly settling down into the old groove as if nothing had happened."³

¹ Prideaux's *Churchwarden's Guide*, p. 95. ² *Com.*, Book I. c. ii.

³ The Clergy Discipline Act of 1892, as will presently be seen, has rendered this no longer possible in cases of conviction for misdemeanour, habitual drunkenness, and other offences against morality.

Imagine any public servant being suspended from his office for habitual drunkenness—suspended, say, for two years—and not even requiring to be reinstated when the two years were over, but gaily taking his old seat and returning to his desk and his bottle, as irremovable from the emoluments of the first as he was inseparable from his devotion to the last. Yet all this, and much more than this, is possible for us beneficed clergymen. I am myself the patron of a benefice from which the late rector was non-resident for fifty-three years.”¹

Dr. Jessopp adds that the parochial clergy occupy a “frightfully impregnable position,” being—

“Fenced about with all sorts of legal safeguards, which put us above our parishioners on the one hand, and out of the reach of our bishops on the other; having, as we have, an almost unlimited power of turning our benefices into sinecures while we reside upon them—or of leaving them to the veriest hirelings to serve, while we are disporting ourselves in foreign travel almost as long as we choose to stay away.”²

But the “parson’s freehold” not only places an impediment in the way of all effectual clerical discipline, it converts the parish, as Bishop Ryle says, into an “ecclesiastical preserve within which no Churchman can fire a spiritual shot, or do anything without leave of the incumbent.”³ The law gives him exclusive spiritual authority in the parish, and, no matter how careless he may be as to the welfare of the people, he can prevent any other clergyman from coming to their assistance. This is so well known to Churchmen, and especially to the clergy, that only in rare instances have any attempts been made to disregard the incumbent’s authority; although it has frequently happened that, in forgetfulness of the law, clergymen have engaged to take part in religious services in other parishes than their own without the consent of the incumbent, and have then been sharply reminded of their mistake.

THE FORBIDDEN EXETER HALL SERVICES.

In 1857, a case occurred in London which puts in a clear light the position in which the Church of England is

¹ *Trials of a Country Parson*, p. 112-114.

² *Ibid.*

³ *Church Reform Papers*, p. 133.

placed to this day in respect to the exclusive legal rights of the parochial clergy.

A committee of Churchmen had arranged for a series of "Special Sunday evening services for the Working classes" in Exeter Hall, "under the sanction of the Bishop of London." But the committee had forgotten the incumbent of the parish; and the result was that after the services had been announced, and were about to be held, the whole proceeding was forbidden. On Sunday, Nov. 8th, the day on which the first of the proposed services was to have been held, the doors of Exeter Hall were closed, and a placard was placed outside containing this announcement:—

"EXETER HALL SERVICES FOR THE WORKING CLASSES, under the sanction of the Bishop of London.

"The service fixed for Sunday, the 8th inst., *will not take place*. The Rev. A. G. Edouart, the incumbent of the parish, has, by a notice served yesterday, *forbidden* the services. Until the legal question shall have been decided, the Committee will, therefore, suspend the course.

"SHAFTESBURY, Chairman."

The "legal question" was soon decided; for in the course of a few days it was announced that the committee had taken legal advice, and found that the services, having been forbidden by the incumbent, would be illegal and could not be held. But what the clergy were thus prevented from doing, the Nonconformist ministers of London, being free to act where the clergy were bound, at once undertook, and a new series of services was forthwith arranged, which were conducted, moreover, as Church of England services, and were largely attended.

Lord Shaftesbury's Bill.—But the interest aroused by these occurrences, and the humiliating position in which they placed the Established Church, led Lord Shaftesbury, on the first night of the Parliamentary session (December 3rd), to introduce a Bill to amend the law bearing upon the case. It provided that in all parishes with a population over 2,000 no inhibition by the incumbent should avail to prevent any other clergyman from conducting a religious service in an unconsecrated building, unless such

inhibition was countersigned by the bishop. The Bill was bitterly opposed by the clergy, and was withdrawn; the Archbishop of Canterbury (Dr. Sumner) having introduced a rival measure, which gave the initiative, in regard to all special services, to the bishop exclusively, and dealt more tenderly with the legal rights of incumbents. That Bill passed the House of Lords, but was then dropped, and nothing was done. Lord Shaftesbury avowed that he had introduced his Bill partly with the view of strengthening the Establishment, and told the House of Lords what he had seen at Exeter Hall, when the Nonconformist ministers were conducting the services which clergymen were forbidden to hold.

"The hall," he said, "was thronged, principally by members of the working classes, who were most devout and attentive. I confess that, as I walked away, I was almost overwhelmed with shame to think that the Church of England alone was excluded from holding such services; that the Church of England, which is constituted the Church of the realm, and to which such a duty is peculiarly assigned, should be the only body among believers or unbelievers which is not allowed to open a hall with the view of giving instruction to the people."¹

Nothing done to this day.—Although six-and-thirty years have passed since this Exeter Hall incident occurred absolutely nothing has been done to this day to lessen the despotic authority of the parochial incumbents. Repeated attempts have been made by private members of Parliament to obtain some relaxation of the existing law, and in 1875 a Select Committee of the House of Commons took much evidence on the subject of providing additional facilities for public worship, by limiting the rights of incumbents. But the evidence was of a very conflicting character; and as the report of the committee insisted that it is desirable "to maintain the parochial system in active vigour," and also "to avoid any needless interference with the privileges of incumbents," the law has been allowed to remain unaltered in every particular.

¹ *Hansard*, Dec. 8th, 1857.

THE PAROCHIAL SYSTEM IN THE RURAL DISTRICTS.

It is commonly assumed that the parochial system is of special value in the rural parishes, and it is sometimes urged that, without it, the people would be in danger of lapsing into heathenism.¹ But the Bishop of Liverpool, who was himself, for many years, the incumbent of a rural parish, and well knows the condition of such parishes, gives no countenance to that view. He is a great admirer of the parochial system when it is properly worked. But, he says :—

“Just in proportion to the good which the parochial system does when it is properly worked is the harm which it does when it is worked badly, or not worked at all. Grant for a moment that the clergyman of the parish is unsound in doctrine and does not preach the Gospel, or worldly in life and cares nothing for spiritual things—grant this, and the parochial system becomes a most damaging institution, a curse and not a blessing, a hindrance and not a help, a nuisance and not a benefit, a weakness and not a strength to the Established Church of this realm.

“It is nonsense to deny that there are scores of large parishes in almost every diocese in England, where the parochial clergyman does little or nothing beside a cold, formal round of Sunday services. Christ’s truth is not preached. Soul-work is neglected. The parishioners are like sheep without a shepherd. The bulk of the people never come near the church at all. Sin, and immorality, and ignorance, and infidelity increase and multiply every year. The few who worship anywhere take refuge in the chapels of Methodists, Baptists, and Independents, if not in more questionable places of worship. The parish church is comparatively deserted. People in such parishes live and die with an abiding impression that the Church of England is a rotten, useless institution, and bequeath to their families a legacy of prejudice against the Church, which lasts for ever. Will anyone pretend to tell me that there are not hundreds of large English parishes in this condition? I defy him to do so. I am writing down things that are only too true, and it is in vain to pretend to conceal them.”—*Ch. Ref. Papers*, p. 124-5.

The Bishop adds much more to the same effect. He contends that “the Church of England has made an idol of her parochial system ;” but he says, “It is precisely here that our system fails and breaks down altogether.”

¹ Dr. Wordsworth, the late Bishop of Lincoln, once declared that disestablishment would “pauperise the priesthood and paganise the people.”

Much the same is the testimony of "A Rural Dean," in the *Church Times* (May 27th, 1881), who says:—

"I know parishes by the score where there are thousands lapsing into heathenism, and the lazy and inefficient parson is absolutely powerless to reach them. No one can do it for him, unless he be a Nonconformist, because of the stronghold afforded to 'freehold rights' by the 'parochial system.'"

There is good reason to believe that the changes in the parochial system which would necessarily be involved in disestablishment would be advantageous rather than otherwise to the spiritual interests of the village populations. The religious work which is being done in them by the Free Churches is of inestimable value, and, but for that work, in many places the light of the Gospel would almost have died out; but that work is now carried on under the greatest disadvantages from the hindrances, direct and indirect, placed in its way by the upholders of the Establishment system. But with disestablishment there would be an open door for enlarged operations on the part of the Free Churches, while the rigidity of the parochial system would inevitably be so far broken down that Churchmen also would be more free to act; and, with the new stimulus to exertion which would be given to all Churches alike, it is in the highest degree probable that as a result, the spiritual welfare of the rural population would be better cared for than at present.

CLERGY DISCIPLINE.

One main cause of the practical failure of the parochial system is, as already intimated, the immunity of the beneficed clergy from all effective discipline, owing to the freehold they have in their livings.

It was no exaggeration in Dr. Jessopp to say that a clergyman might actually be imprisoned and afterwards return to his old position as if nothing had happened. In 1863, the Rev. J. Wood, the incumbent of Clayton-le-Moors, Lancashire, was convicted of forgery, and sentenced to ten years' penal servitude; and, leaving prison before the expiration of his sentence, he actually

officiated as a "ticket-of-leave man." In 1865, there was another case at Bilston, in Staffordshire. The Rev. H. S. Fletcher, the vicar, was convicted of defrauding the Savings Bank, and sentenced to two years' imprisonment; and it was only by a private arrangement that he was prevented, when his term of imprisonment had expired, from coming back to the town and resuming his duties. The explanation is that at that time a clergyman convicted of any offence short of felony did not lose his benefice, and it was not until the passing of the Clergy Discipline Act of 1892 (55 & 56 Vict., c. 32) that the possibility of the recurrence of such scandals was removed. The new Act, however, provides that, if a clergyman is convicted of "treason, or felony, or a misdemeanour," or of certain other specified "offences against morality," "the preferment (if any) held by him shall, without further trial, be declared by the bishop to be vacant." But while the new Act thus puts an end to the graver scandals which have arisen from the gross misconduct of some of the clergy, it does nothing in regard to the far more numerous cases of clerical unfitness, incompetence, and neglect of duty, or in regard to cases of illegal Ritualistic practices.

In respect to all such matters the discipline of the clergy is still of the most ineffective description, and there is little prospect of its ever becoming adequate until, by means of disestablishment, the Church is enabled to manage its own affairs, without being dependent for the purpose on the cumbrous machinery of Acts of Parliament.

CLERICAL DISABILITIES AND RELIEF.

Exclusion of Clergymen from the House of Commons.—In 1801 the Act 41 Geo. III. c. 63, was passed, as the preamble recites, "to remove doubts respecting the eligibility of persons in holy orders to sit in the House of Commons, and also to make effectual provision for excluding them from sitting therein." It provides that—

* "No person having been ordained to the office of priest or deacon, or being a minister of the Church of Scotland, is, or shall be, capable

of being elected to serve in Parliament as a member of the House of Commons."

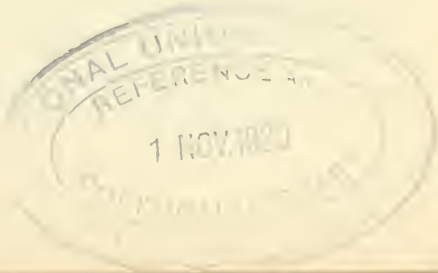
Another clause was intended to meet the case of Mr. Horne Tooke, who had been returned to Parliament for Old Sarum, and was a member of the House of Commons when the Act passed. It provides that—

"If any person, having been ordained to the office of priest or deacon, or being a minister of the Church of Scotland, being elected to serve in Parliament as a member of the House of Commons, shall presume to sit or vote as a member of the House of Commons, he shall forfeit the sum of £500 for every day in which he shall sit or vote in the said House."

The Clergy and Municipal Corporations.—The Act 5 & 6 Will. IV. c. 76, 1835, regulating municipal corporations, provides that "no person being in holy orders shall be qualified to be elected, or to be a councillor or an alderman of any such borough."

But the 33 & 34 Vict. c. 91, 1870, which is "an Act for the relief of persons admitted to the office of priest or deacon in the Church of England," enables the clergy, by the execution of a "deed of relinquishment" of their clerical profession, to become, in the eye of the law, simple laymen, and thus to escape from the disabilities imposed by the above Acts. In this deed the person executing it relinquishes "all rights, privileges, advantages, and exemptions attached to the office of minister in the Church of England," and is thereby rendered "incapable of officiating or acting in any manner as a minister of the Church of England, and of taking and holding any preferment therein."

Under the provisions of this Act several clergymen have resigned their position in the Church, and some of them have become members of the House of Commons.



CHAPTER VIII.

CHURCH PATRONAGE.

THE principle on which the Church patronage system is based is that the founder of a dignity or benefice is entitled to select the person who is to discharge its duties. This is clearly implied in the Statute of Provisors (25 Ed. III. c. 22, 1351), which declares that the Church of England was "founded in the estate of prelacy" by the king's ancestors, and the barons and nobles of the realm and their ancestors, and, therefore, claims that the king and barons, "as lords of advowsons, have and ought to have the custody" of these incumbencies when vacant, and "the presentments and collation of the benefices being of such prelacies." The right of the Crown to nominate to episcopal sees and other dignities is thus made to rest on the same ground as the rights of lords of manors to nominate to parochial benefices—namely, that the founder and his heirs and successors are entitled to the perpetual patronage.

ORIGIN AND HISTORY OF PATRONAGE.

In the early days of the Church in England, the cathedral clergy supplied the spiritual needs of the entire diocese; going out from the cathedral and returning to it as the centre of what was practically missionary work. But, in course of time, places of worship were erected in various parts of the diocese, and settled ministers were appointed to serve them. There seems to be little doubt that parish churches originated in the manner described by Blackstone. He says:—

"The lords, as Christianity spread itself, began to build churches upon their own demesnes or wastes, to accommodate their tenants in

one or two adjoining lordships; and, in order to have divine service regularly performed therein, obliged all their tenants to appropriate their tithes to the maintenance of the one officiating minister, instead of leaving them at liberty to distribute them among the clergy of the diocese in general, and this tract of land, the tithes whereof were so appropriated, formed a distinct parish.”¹

The owners of estates who thus built churches acquired thereby the legal right of nominating the ministers; Theodore, Archbishop of Canterbury (A.D. 680), “under royal sanction, offering the perpetual patronage of churches as an encouragement for their erection.”² The patronage of a benefice thus arising became attached to the estate of the founder, and descended to his heirs and successors.

For many ages, however, this right of presentation to a benefice had no direct money value, and was never intended to be bought and sold. Bishop Gibson, indeed, quotes Lord Coke for the doctrine that what implies “things gainful” is “contrary to the nature of an advowson,” and he adds:—

“Which said doctrine, and the plain tendency thereof, are exactly agreeable, not only to the nature of advowsons, which are merely a *trust* vested in the hands of patrons by consent of the bishop, for the good of the Church and religion; but also to the express letter of the Canon Law.”

He also condemns “the notion and practice of making merchandise of advowsons and next avoidances,” and repeats that the advowsons “ought in reason and good conscience to be considered in the nature of mere trusts for the comfort of men’s souls.”³ The owners of patronage, however, gradually came to regard their legal right of presentation as a property which could be turned to account in the market, and the ecclesiastical authorities in vain denounced its corrupt administration.

Oath and declaration against simony.—The offence of “simony” is defined as “the corrupt presentation of anyone to an ecclesiastical benefice or dignity for money,

¹ *Commentaries*, Intro., sec. 4, 113.

² Soames’s *Anglo-Saxon Church*, p. 85.

³ Gibson’s *Codex*, p. 796.

gift, or reward" ¹; and the first statute directed against it is the 31 Eliz. c. 6 (1588-9) which makes every presentation for money or reward void, authorises the Crown to fill the vacancy, and inflicts a fine of double one year's profits of the benefice on both the parties to the bargain. The Canons of 1603 (40th) denounce simony as a "detestable sin, because buying and selling of spiritual and ecclesiastical functions, offices, promotions, dignities, and livings is execrable before God"; and the Canon also imposed the following oath against simony, which was to be taken before institution to any benefice:—

"I, *N. N.*, do swear that I have made no simoniacal payment, contract or promise, directly or indirectly, by myself or by any other, to my knowledge or with my consent, to any person or persons whatsoever, for or concerning the procuring and obtaining of this ecclesiastical dignity, place, preferment, office, or living [respectively and particularly naming the same, whereunto he is to be admitted, instituted, collated, installed, or confirmed]; nor will at any time hereafter perform or satisfy any such kind of payment, contract, or promise made by any other without my knowledge or consent: So help me God through Jesus Christ."

But, in 1865, the Act 28 & 29 Vict. c. 122, substituted for this oath the following declaration:—

"I, *A. B.*, solemnly declare that I have not made, by myself or by any person on my behalf, any payment, contract, or promise of any kind whatsoever which to the best of my knowledge or belief is simoniacal, touching or concerning the obtaining the Preferment of _____, nor will I at any time hereafter perform or satisfy, in whole or part, any such kind of payment, contract, or promise made by any other without my knowledge or consent."

No doubt the great majority of the clergy now living have made this declaration instead of taking the oath; but it is impossible to suppose that the one is, or was meant to be, less binding than the other for preventing all mercenary transactions in regard to the obtaining of spiritual offices. It will presently be seen, however, that oath and declaration alike have been utterly ineffectual to prevent this "detestable sin," and that the buying and selling of spiritual offices still largely prevails.

¹ Cripps's *Laws of the Church*.

The traffic now sanctioned by law.—There is reason indeed to hold that the law is now itself to a large extent responsible for the traffic; for, since the passing of the Act 19 & 20 Vict. c. 50 (1856), and Lord Westbury's Act (26 & 27 Vict. c. 120, 1863), the sale of livings, in the gift of parishioners and the Lord Chancellor (to obtain funds for building parsonage houses and to augment the income of poor benefices) a direct legislative sanction has been given to what was once considered "execrable before God."

PUBLIC PATRONAGE.

Distribution of Patronage.—At the present time the patronage of the parochial benefices is about equally divided between private patrons, and public and official patrons, into whose hands, in the course of time, the right of presentation has passed.

The public and official patrons are the Crown, the Prince of Wales, the Lord Chancellor, the Chancellor of the Duchy of Lancaster, the Archbishops and Bishops, the Cathedral Bodies, the Archdeacons, the Universities of Oxford and Cambridge, Eton and Winchester Colleges, and, in certain parishes, the ratepayers. The number of livings in the gift of each of these respectively is as follows:—

The Crown	388
The Prince of Wales.....	20
The Lord Chancellor	674
Duchy of Lancaster	41
Archbishops and Bishops.....	2,912
Cathedral Bodies	876
Archdeacons	52
Universities—	
Oxford	403
Cambridge	313—
Eton and Winchester Colleges	57
Parishioners and Ratepayers	21
Miscellaneous.....	89
Total public patronage.....	<hr/> 5,846 ¹ <hr/>

¹ These figures are compiled from the detailed tables in the *Clergy List* for 1892.

Administration of public patronage.—The administration of public patronage is, to a large extent, free from the anomalies and scandals which appear to be inseparably connected with that of private patronage ; but it is marked by evils of its own, which make it almost, if not quite, as injurious to the Church as a spiritual body.

In past times, as Lord John Russell has declared, “The immense and valuable patronage of Government was uniformly bestowed on their political adherents”; and “no talent, no learning, no piety, could advance the fortunes of a clergyman whose political opinions were adverse to those of the governing powers.” *Blackwood's Magazine* has said that Church patronage was used by Ministers of the Crown as so much “grease with which to make the wheels of government run smoothly.” No doubt some improvement in this matter has taken place in recent years ; but it is still true, as one of the clergy has expressed it, that the patronage in the hands of the Government, and especially that administered by the Lord Chancellor, is too often “simply a political instrument made use of for political purposes.”¹

If any of the patrons might have been expected to exercise their rights with a strict regard to the interests of the Church itself, it would certainly be the bishops. But their record does not appear to be much, if at all, better than that of the most worldly-minded politicians ; and, while in quite recent times there have been instances of nepotism and the like, which have called forth much indignant public comment, only a comparatively few years ago such cases were a standing reproach to the Church. In 1865, Archdeacon Denison declared that episcopal patronage was “a grievous stumbling block,” and, he added, “we verily believe that more bishops are wrecked upon the rock of patronage, than in all the depths and shoals of the episcopal office.”²

In the case of cathedral and college livings, there is hardly any pretence of administering the patronage for the benefit of the Church ; the one thing thought of

¹ Rev. C. Bartholomew, Rural Dean, 1867. .

² *Church and State Review*, March, 1865.

being the personal rights and interests of the particular person whose turn it is to present. In some of the cathedral bodies it is customary to cast lots for the right of presenting to the livings in the gift of the chapter, and the plan adopted has been thus described :—

“During the first meeting every year of the Chapter, the members draw lots for the various ‘charge of souls’ within the patronage of their body. The name of each living is written upon a slip of paper and deposited in a box. The Canons then draw out one after another, and, if the living mentioned on the paper so drawn becomes vacant during that year, the fortunate possessor of the prize in this State-ecclesiastical lottery has the patronage of that living for the time being. Thus is this disgraceful farce enacted.”¹

PRIVATE PATRONAGE.

Sale of livings by public auction.—It is in connection with private patronage, however, that the worst evils of the system are seen. One of the most familiar facts in connection with the patronage system, and one to which it would probably be impossible to find a parallel in any other Church in Christendom, is the sale of livings by public auction. The actual transaction in these cases is, of course, the sale of the legal right to present to the benefice—either the perpetual right of presenting, which is the “advowson,” or the right of “next presentation” only. The advertisements of these sales in days gone-by usually set forth in glowing colours all the supposed advantages of the living from a purely secular and selfish point of view, without a word as to the opportunities of usefulness it afforded ; and occasionally advertisements of the kind are still seen.²

This traffic in the open market is now generally condemned by Churchmen themselves ; and in recent years, under the strong disapproval of public opinion, the number of such transactions has greatly diminished. The

¹ *Plea for a Free Church of England*, by Rev. C. P. McCarthy.

² In January, 1893, an advertisement in the *Times* announced—“A valuable living for sale in the suburbs of London” ; and among the particulars given were these—“Sale urgent. Prospect of early possession. Net income, £900. Light work. The best society. Practically no poor.”

Bishop of Liverpool, referring, no doubt, mainly to these sales by public auction, rightly says the practice "deserves unmitigated condemnation"; and he adds, "A system by which a care of souls can be sold like a flock of sheep or a drove of pigs, is simply a disgrace to the Church which tolerates it, and to the country in which it takes place."¹

PUBLIC INQUIRIES.

There have been two formal inquiries in recent years into the operation of private patronage. The first was by a Select Committee of the House of Lords appointed in 1874 "to enquire into the laws relating to patronage, simony, and exchange of benefice"; the second by a Royal Commission in 1878, "to enquire into the law and existing practice as to the sale, exchange, and resignation of ecclesiastical benefices." The members of both the Committee and the Commission were Churchmen, and friendly to the maintenance of the Establishment, as were also all, or nearly all, the witnesses, about half of whom were clergymen; and yet the evidence given was in the strongest sense condemnatory of the whole patronage system.

The "Clerical agency" business.—Although the public sale of livings in recent years has diminished, there is reason to believe that the secret traffic carried on by clerical agents has proportionately increased. And notwithstanding the greater scandal of the public sales, because they are public, they are at least carried on in accordance with the law, while the secret traffic is to a very large extent marked by evasion and violation of the law, and is far more demoralising to the parties concerned.

Mr. J. B. Lee, secretary for several years to many of the bishops, told the House of Lords Committee of 1874 that "evasions of the law are almost universal" (287)²; that it is difficult for the bishops to prevent corrupt presentations, for the simple reason that "anything irregular is kept most carefully, not only from the bishop, but from

¹ *Ch. Ref. Pps.*, p. 164.

² The numbers given are those prefixed to the questions and answers in the Official Reports.

his officers;" and that "those whose business it is to carry these things out, hedge them so carefully round that it is next to impossible for the bishop to find a flaw in them." (282) Mr. N. Bridges, solicitor to several Church societies also declared that the oath and the declaration against simony "are constantly evaded," and that they "do not prevent simoniacal transactions," of which he said "a great many are being carried out" (385).

Demoralisation of the Clergy.—One of the principal witnesses before the Royal Commission of 1878 was Mr. Emery Stark, one of the principal clerical agents, and his evidence gives striking proof of the demoralisation of the clergy, which is produced by this traffic in livings. He said:—

"The Commissioners are well aware that the sale of advowsons with the understanding that immediate possession is to be given, is, according to the law, illegal. Three-fourths of the patrons with whom I have come in contact, and among them clergymen of the highest standing, do not recognise any moral crime in an infraction of the present law of simony, and the consequence is that they freely and unhesitatingly sell and purchase advowsons with the understanding that immediate possession is to be given, not looking upon it as any sin. When I say clergymen of high standing, I have had business with ex-colonial bishops, canons, and other dignitaries of the Church who, of course, would be above suspicion in every way" (2,025).

Mr. Stark was asked by the Bishop of Peterborough (Dr. Magee) whether these "pious and good clergymen deliberately break the law," and he answered "Yes, men of the highest standing." Pressing the witness further, the Bishop asked (3,063): "These moral clergymen, who first ask you to break the law, then take an oath that they have not broken the law." The answer was "Yes;" and the Bishop added "so that every one of these clergymen of high standing and of high moral character has been guilty of wilful and corrupt perjury" (2,064).

THE BISHOP OF PETERBOROUGH'S EVIDENCE.

Dr. Magee himself gave the Commission some remarkable evidence from his own experience, both as to the scandals permitted by the law and the helplessness of the

bishops to prevent them. He said that since he had been a bishop he had been called upon to institute four clergymen who were utterly unfit for the discharge of their sacred duties :—

“The first case was that of a paralytic, in my judgment incapable personally of performing the duties of the parish. The second was the case of a man who some years previously had been a notorious drunkard, but his drunkenness and the notoriety of it had occurred beyond the limit of the Church Discipline Act two years, and I was advised that I could not refuse him institution. He was instituted to a parish within four miles of the scene of his previous drunkenness, which made him notorious, and which created a great scandal. The third was the case of a man seventy-five years of age, who obtained the appointment of a parish containing two considerable country towns, a laborious parish, and who within six months after he was appointed asked me to give him permanent leave of absence on account of physical infirmity, and that man I was obliged to institute. The last case was the case of a man who was obliged to resign his chaplaincy to a gaol because he dared not face the accusation of having been guilty of unnatural vice. That man was presented to a living by his father-in-law, who was a solicitor. He came into my study, and I told him that I had no evidence to prove the case, but I was morally certain of the facts, and the man did not venture to deny them to me. I told him I would endure anything rather than institute him. Happily for me the man was respectably married, and feared to bring shame upon his family, and would not face a public trial, and he went away, and I heard no more of him; but I was apprised that *I could not have legally prevented his receiving institution*” (1784, 1785).

The Bishop, in a charge to his clergy in October, 1875, has given some additional information as to these cases. He said that :—

“*In each of these cases the facts were perfectly well known to the respective patrons.* As regards every one of these I was advised that I had no legal power to refuse institution; and, as regards the last, it is simply a fact that the man to whom, at the risk of a lawsuit, I refused institution, could the next day have bought across the counter in London—with the same ease and with more secrecy than he could have bought a railway ticket—a cure of souls in the shape of a donative, on which he might at once have entered without any human being having the right to ask him so much as a single question. For aught I know to the contrary he may have done this, and that miserable man, stained as he is, by his own confession, with nameless vice, may now be the beneficed and irremovable minister of a parish in the Church of England!”¹

¹ *Charge*, p. 39.

In the same charge Dr. Magee also gave the following facts, illustrative of the condition of the law relating to Church patronage :—

“First there are one hundred patrons in England, not presumably better or wiser than other patrons, who have the right to keep the parishes in their gift as long as they please without a pastor, who, when he is appointed, need produce no evidence that he is even in holy orders, no testimonial as to his character, and who may buy from one of these patrons the right, without check, hindrance, or so much as question from any human being, to enter upon a cure of souls, and who, moreover, by that purchase, may have been enabled to complete some nefarious transaction respecting some other piece of Church preferment, of which he may be the owner. . . .

“Again, it is a fact that a certain number of patrons are in the habit, whenever their livings fall vacant, of selecting the oldest and most decrepit clergymen they can find, after the most careful search and inquiry, and putting them into their livings, in order to enhance the selling value of these in the market—a proceeding which I regard as one of deliberate and enormous wickedness, and yet which, at present, may be, and is, adopted in defiance of parishioners and of Bishop, for there are absolutely no limits in law to the age or decrepitude of a presentee. . . .

“Again it is a fact that any parishioner knowing of any immorality in the clergyman about to be appointed to his parish, dare not represent it to the Bishop through dread of an action for libel. . . . Again, it is a fact that immoral and scandalous clerks are sometimes presented, as I personally know, to Bishops for institution by patrons who are well aware of their character. . . . Again, it is a fact that an infant in his cradle may be nominated to the largest and most populous parish in England, that it shall be kept open for him by a resignation bond until he attains the ripe age of twenty-four, when he forthwith enters upon the duties of the parish, the temporary incumbent being turned out to make room for him ; or, if he is not at once removed, remaining the life-tenant of the patron, and liable to ejectment at any moment.”¹

The Bishop closed this statement by saying : “I confess that as I cite the facts that I have now narrated, I hardly know which to be most ashamed of—that evils so scandalous, abuses so notorious as those I have described and proved, should exist in our Church, beneath the shelter of its laws, or that there should be clergymen and gentlemen capable of defending them.”²

¹ Charge, p. 36.

² *Ibid.*, p. 39.

PRIVATE PATRONS.

It scarcely need be said that no moral qualification is required by law for the ownership or the exercise of patronage rights. On the contrary, Bishop Magee declared that "the very greatest scoundrel in England may be a patron, and his extreme immorality is no bar to his acting as a patron."¹ The only legal disqualification for the exercise of patronage rights is that which rests on Roman Catholics; who are prohibited by statute (3Jas. I., c. 5, 1605-6) from presenting to benefices, and who are thus driven to sell their patronage if they wish to obtain its money value.²

No doubt a large proportion of the private patrons exercise their patronage rights with a conscientious regard for the interests of the Church. But many patrons regularly sell their patronage; while others who themselves present to the livings in their gift have obviously no special fitness for the task. It is notorious, indeed, from the proceedings in the police and law courts, that some of the largest owners of private patronage are persons to whom no one would think of entrusting the duty of

¹ *Royal Com. Report*, 2,159.

² Mr. Heiford, the coroner for Manchester, gave the Royal Commission the following facts with respect to the living of Wilmslow, Cheshire:—"Sir Humphrey de Trafford is the owner, and, being a Roman Catholic, cannot present. For 216 years there has not been a presentation except by purchase. As soon as one appointment is made, the next presentation is sold. About 1824, the sudden illness of the rector (the Rev. Mr. Bradshaw) caused great alarm to the owner, because the living had not been sold, and it is illegal to sell a living when vacant, or the rector is *in extremis*, but a purchaser in Manchester was luckily found; the owner, Mr. Trafford, was in the hunting field, and there executed the sale for £6,000. The bishop refused to accept the clergyman, because the late rector had been *in articulo mortis*, having died very shortly after the sale was made. There were three actions to decide the question, but the House of Lords, 'in the interests of property,' ultimately decided against the bishop" (1,213).

³ Among the private patrons are the "Simeon Trustees," a body of Evangelical Churchmen who buy livings for the purpose of presenting to them clergymen of their own views. These trustees now hold about one hundred livings.

selecting the religious instructor of a whole parish; and although it is sometimes urged as an argument in favour of private patronage, that it gives greater "variety" to the ministry of the Church, the variety obtained through the action of such patrons can hardly be of much value to the Church as a spiritual body. But it is important to note that no patronage reform bill has ever proposed to deprive such patrons of their legal rights, or to interfere with the free exercise of those rights.

REFORM OF CHURCH PATRONAGE.

The real difficulty of reform.—The truth is, the legal rights of patrons, and the money value of those rights in the market, is the great difficulty in the way of all effective patronage reform.

The smallest reform that would be of any value would be the abolition of the sale of next presentations. But in the debate on the appointment of the Royal Commission in March, 1878, the Marquis of Lansdowne stated that 75 per cent. of the total value of an advowson was represented by the next presentation; and he urged that Parliament could not deal with an interest of that magnitude without giving compensation to its owners.

In abolishing patronage in the Scottish Establishment in 1874, the Act 37 & 38 Vict. c. 82, gave the patrons only one year's value of the living; but in Scotland patronage had never been a marketable commodity. When Mr. Gladstone brought in his Bill for dis-establishing the Irish Church he estimated that the compensation to the patrons would involve an expenditure of £300,000; but, in accordance with the lavish scale on which compensation was ultimately given to all parties the actual amount paid to the Irish patrons was £778,887.¹ Assuming that the owners of patronage in England are to be compensated on a similar scale it is obvious that an enormous expenditure would be involved, and that so long as the Establishment is maintained it will be practically impossible for Parliament to obtain the

¹ *Parly. Paper*, No. 23, Sess. 1893.

money, and equally impossible, therefore, effectually to reform the patronage system.

Ineffectual measures.—Hence it is that patronage reform bills have generally been timid and halting measures, which would have done little good if passed, at the same time that they would have given fresh legislative sanction to the patronage system.

The first of these bills was one introduced in 1870 by Mr. (now Lord) Cross. Its principal object was to abolish the sale of next presentations. The bill passed the House of Commons without a division. It was read a second time in the House of Lords also without a division; although Lord Salisbury and other peers spoke against it as attacking the rights of property.¹ But when it reached the committee stage, the Duke of Marlborough, who had charge of the bill, stated that although it had passed the House of Commons “with singular unanimity,” “since it had been read a second time,” “he had heard grave objections to it” on both sides of the House, and it was, therefore, withdrawn.²

In 1875 a bill was brought into the House of Lords by Dr. Magee, then the Bishop of Peterborough. It was, however, a poor and hesitating measure, although dealing with matters which the Bishop said were a “deliberate iniquity, that made the Church of England stink in the nostrils of many who might otherwise come within its fold.”³ But in committee the bill was rendered so nearly worthless that Archbishop Thomson suggested it might as well be withdrawn. Archbishop Tait tried to improve the bill by proposing a clause which would have abolished the sale of next presentations. But the lay peers objected; and Lord Salisbury said “he should vote most earnestly against the proposition; and that if he had not been led to believe there was no intention to touch the question of next presentations he should have voted against the second reading.”⁴ The clause was therefore rejected; only five lay peers voting for it, while twenty-four voted

¹ *Hansard*, July 4th, 1870.

³ *Ibid.*, February 25th, 1875.

² *Ibid.*, July 14th, 1870.

⁴ *Ibid.*, June 1st, 1875.

against it. The *Morning Post*, accounting for the action of the peers, stated that "most of their lordships are patrons of livings, and many of them regularly sell their patronage in their lawyers' offices, or in the auction mart." "They have," it added, "a sort of vested interest in the abuses which the bill was framed to remove."¹

In 1881 a third patronage bill was introduced by Mr. E. Stanhope. It would have done very little, however, to reform the patronage system; and on that ground was condemned at several Diocesan Conferences, and still more emphatically by individual Churchmen.

In 1883 Mr. E. A. Leatham, a member of the "Liberation Society," brought in a bill which would have abolished the sale of next presentations, and, except in certain cases, of advowsons also; but it received little or no support from the members of the Established Church, and failed to pass. In 1884 there were two patronage bills; one introduced by Mr. Stanhope and the other by Mr. Leatham, but neither of them passed; and no further attempt was made to deal with the scandals of the patronage system in Parliament for nearly ten years.

But in the session of 1893 the Archbishop of Canterbury introduced, and carried through the House of Lords, a patronage Bill, which abolished all sales by public auction, all sales, whether by public auction or by private treaty, of next presentations, and all re-sales of advowsons, until after the lapse of twenty-one years from the previous sale, besides putting several other new restrictions on the traffic. But as the *Record* well says, the "main matter of complaint" in respect to the patronage system—namely, the want of any proper restriction as to the class of persons who may be patrons—"is left untouched" by the bill; and it further says that if such a bill were to pass—

"It would still be possible for a notorious evil liver, a Mahommedan, a Pagan, or an Atheist, to purchase an advowson, and, after doing so, to present to the living. But there is another possibility which in practice is found to be a source of graver and more frequent scandal.

¹ *Morning Post*, June 2nd, 1875.

It would still be possible for the father or mother, or other relative, of a clergyman to purchase an advowson with the express object of presenting him to the living; and they would be able, as before, to carry out their object.”¹

Although the Archbishop's bill passed the House of Lords it was not proceeded with in the House of Commons; there being no time to consider it.

The only real remedy.—The *Guardian*, discussing the appointment of the Royal Commission in 1878, said:—

“It deserves to be again and again said and urged that the abuses of private patronage are specially and emphatically due to the connection of Church and State.”²

It is equally true that all the anomalies and scandals of patronage, public as well as private, are due to the same cause; and one of the great recommendations of disestablishment is that it will at once put an end to the whole system of patronage, and give to the Anglican Church perfect freedom in the choice of its pastors and other chief officers. That is not a merely *probable* result of disestablishment, which may, or may not, happen. It will be a certain, inevitable, and immediate result; for the Act which puts an end to the establishment of the Church will, at the same time, sweep away all legal patronage rights, and leave the Church absolutely free in respect to the appointment of its bishops and clergy. And, as that freedom can be obtained in no other way, Mr. Leatham was justified in the appeal he made to the House of Commons on July 5th, 1873:—“There is only one alternative,” he said; “keep your State-Church, and keep with it that system of patronage upon which it is founded, and which is firmly built into its structure. Do away with your State-Church, and at the same time get rid for ever of a system which sears the public conscience, lowers the whole national conception of religion, and poisons at its source the fountain of sweetness and light.”

¹ *Record*, March 17th, 1893

² *Guardian*, March 13th, 1878.

CHAPTER IX.

CHURCH PROPERTY.

No one who has closely watched the disestablishment controversy of late years can have failed to notice that the arguments by which the Establishment was at one time defended are now, for the most part, abandoned, and that its defence has almost entirely degenerated into a mere struggle to keep possession of its public endowments. Lord Selborne's *Defence of the Church of England against Disestablishment* has obviously no other aim; and so little conforms to its title that it has hardly a sentence in defence of the Establishment as such, but is filled with ingenious pleas against disendowment.

The bishops and clergy take substantially the same line. The one thing that engages their attention above and beyond everything else, and often to the entire exclusion of everything else, is the iniquity, the "sacrilege," as the Archbishop of York describes it, of touching what is called "Church property."

In view of the immensely more important considerations which are involved in the question of disestablishment, it is astonishing that the supporters of the Established Church should be thus absorbed in its lowest and most mercenary aspects; and the fact that they look at that side of the question so exclusively is a very suggestive illustration of the demoralising tendency of the whole Establishment system.

THE CHURCH PROPERTY RETURN.

The authorities of the Established Church have always shown great reluctance to let the public know the real value of the property appropriated to its use; and when

information has been given it has often been presented in a form which made it to a large extent unintelligible. But of late years the great depreciation in the value of tithes and agricultural land has seriously reduced the revenue of the Establishment, and, apparently as the result of that reduction, there has been less unwillingness to allow the facts of the case to be known.

At any rate, in 1887, Mr. Hubbard, M.P. (afterwards Lord Addington) a Conservative and a zealous supporter of the Establishment, joined with Mr. Picton, M.P., in moving for a Parliamentary return on the subject. The terms of the motion were for a—

“Return of the Property and Revenues of—

1. The Archbishopal and Episcopal Sees of *England and Wales* ;
 2. The Cathedral and Collegiate Churches of *England and Wales*, including the property of the minor canons, vicars choral, and others ;
 3. Ecclesiastical Benefices, including donatives, perpetual curacies, and chapelries ;
 4. The Ecclesiastical Commissioners for England ;
 5. The Corporation of Queen Anne's Bounty ;
- The Return to classify the property and sources of revenue, giving gross annual value of lands, tithes, house property, mineral property, manorial and other receipts, and income derived from stock and other securities ;
- The property to be shown in counties where practicable, and the source from which the property was derived, whether from ancient endowments or from private benefactions since the Year 1703.”

The preparation of this important Parliamentary paper¹ was entrusted to the Ecclesiastical Commission, and is understood to be in large part based on information supplied by the bishops and clergy themselves, who are not likely to have overstated the amounts they receive. The return was issued in 1891. Unfortunately it is not a detailed statement of the endowments of each separate parish, like the “Report of Ecclesiastical Revenues,” issued in 1835, but gives the facts arranged under counties. But, notwithstanding this, and other omissions and many

¹ *Parliamentary Paper* 287, Sess. 1891.

obscurities, the return is in some respects the most complete and authoritative account of the nature and value of the permanent endowments of the Established Church which has yet been presented to the public.

AGGREGATE SUMMARY OF REVENUES.

The aggregate summary of the revenues given in the return is (with the exception of the last column) as follows :—

	Ancient Endowments.	Private Benefacts.	[TOTAL.
1. Archbishops and Bishops ..	£ 87,827	£ 11,081	£ 98,908
2. Cathedral bodies	192,460	—	192,460
3. Parochial benefices	3,941,057	272,605	4,213,662
4. Ecclesiastical Commissioners..	1,247,827	—	1,247,827
5. Queen Anne's Bounty ¹ ...	—	700	700
Total of Income	5,469,171	284,386	5,753,557]

The main fact brought out by these figures is that the Established Church is in the receipt of an annual income of nearly six millions of money !

But that is by no means a complete statement of what the Church receives. The amount here shown is the revenue derived from permanent endowments exclusively. In addition, the Church receives, in the shape of fees, pew-rents, offertories, and various other voluntary contributions, an immense sum, of which the return gives no account.

The above figures, moreover, convey a very misleading idea of the amounts actually received by the bishops and clergy. The detailed tables show that the £98,908, given as the revenues of the Archbishops and Bishops is, for the most part, received by 13 only out of the 34 Bishops; the incomes of the remaining 21 being, wholly or in part,

¹ It is stated that "The capital held by the Corporation of Queen Anne's Bounty on behalf of benefices is £4,456,124; and that the dividends, interest, &c., payable in respect of this to the Incumbents of benefices amounted to £133,799, and is included in the amount specified under the third head above."

paid by the Ecclesiastical Commissioners out of the £1,247,827 received by that body. It is much the same with the Cathedral bodies and the Parochial clergy. The £192,460 given as the revenue of the Cathedral bodies is received by about one-half of those corporations; the stipends of the others being paid by the Ecclesiastical Commissioners. The Parochial clergy also receive, in addition to the £4,213,662 shown above, annual payments from the Commissioners to the amount of £597,000.

NATURE AND DISTRIBUTION OF CHURCH PROPERTY.

The following table, compiled from the figures of the return, shows the nature and distribution of the property by which the Church Establishment is supported:—

Nature of Property.	Archbishops and Bishops.	Cathedral Bodies.	Parochial Clergy.	Ecclesiastical Commissioners.	Total.
	£	£	£	£	£
Tithes	21,503	44,384	2,628,874 ¹	273,591	2,968,352
Lands	61,508	98,027	991,212	219,660	1,371,107 ²
Houses, ground rents, &c. ...	1,656	38,673	132,626	391,570	555,948
Minerals... ..	...	903	5,111	263,841	269,856
Dividends, &c.	14,241	10,473	200,617	99,165	132,456
Payments by Queen Anne's Bounty and by the Ecclesiastical Commissioners ...	...	...	255,222	...	255,222
	£98,908	£192,460	£4,213,662	£1,247,827	£5,753,557

¹ It has been officially stated that this amount represents not the real but the nominal value of the tithes, which, in 1886, was only £90 10s. 3½d. for the £100 of tithe rent-charge. On the other hand, the average value of the tithe for the fifty years from the passing of the Tithe Commutation Act in 1836 was £102 11s. 9½d., which means that up to 1886 the tithe-payers had paid over 2½ per cent. more than the full amount above given. But tithe has since fallen; and, in 1893, the value of the £100 of tithe-rent charge was only £74 15s. 2¾d.

² This includes £700 received by Queen Anne's Bounty Board.

Misleading statements as to the value of the endowments.

—It is clear from this return that the supporters of the Establishment have made most misleading statements as to the value of its endowments. The Church Defence Institution, for example, has stated that the annual income derived from these endowments is £4,200,000, or £1,500,000 less than the amount given in the return. Lord Selborne, again, puts “the total (approximate) amount of the aggregate income of all the beneficed clergy, great and small, at £4,810,629”; and he says: “Both from the information which I have been able to collect, and from my own experience as a dispenser of Crown patronage from 1880 to 1886, I am satisfied that this estimate is considerably in excess of the *whole income from all sources* of the Church of England at the present time.”¹ And yet the return shows that the income of the Establishment from its permanent endowments alone, exclusive of fees, pew-rents, and offerings, exceeds the total thus confidently given by £942,928, or nearly £1,000,000 a year!

Relative amount of public and private endowments.—Another most important fact which the return shows is, that of the aggregate annual revenue of £5,753,557 only £284,386 is derived from “private benefactions since 1703,” while £5,469,171 comes from “ancient endowments.” No reason is given for taking the year 1703 as the dividing line between ancient and recent endowments; but that reason, no doubt, is that in 1703 the fund known as “Queen Anne’s Bounty” was established, and that, roughly, it may be taken as marking the period when modern benefactions for Church purposes commenced.

But neither the eighteenth century, nor the seventeenth, were very prolific in such benefactions; and in all probability it would have made very little practical difference if some year a century later than 1703, or a century, or even two centuries earlier, had been taken instead. The above figures may, therefore, be assumed to show, substantially, what is the value, on the one hand, of the

¹ *Defence*, p. 98.

modern private endowments of the Establishment, and, on the other, of the public endowments which it has inherited from pre-Reformation times. *The Record* practically admits the truth of this view; for it speaks of the return as "providing approximately accurate information as to the nature and the amount of the funds to be dealt with by a Disestablishment Bill."

TITHES.

It will be seen that the principal source of the revenues of the Establishment is tithe or tithe rent-charge; the total amount derived from that source being £2,968,352.

Origin of Compulsory Tithes.—It is unnecessary here to trace the growth of the tithe system in those early ages when tithes were purely voluntary offerings. Selden states that for the first four hundred years after Christ, tithes, even as voluntary offerings, were unknown in the Christian Church.¹ In later times the offering of tithes was generally urged as a Christian duty; and in the sixth century this duty was formally imposed by ecclesiastical authority. But tithes were still voluntary gifts; and they retained that character for some centuries longer, until the State stepped in with its coercive powers, and converted what had been a freewill offering into a compulsory charge recoverable by law.

Until quite recent years it was generally held by Churchmen themselves that this change in the nature of tithes was effected by the famous charter of Ethelwulf, A.D. 855. But that view is now discredited, and the Bishop of Oxford (Dr. Stubbs) attributes the change to the legatine councils held in England in A.D. 787. He says:—

"The recognition of the legal obligation of tithes dates from the eighth century, both on the Continent and in England. In A.D. 779 Charles the Great ordained that everyone should pay tithe, and that the proceeds should be disposed of by the bishop, and in A.D. 787 it was made imperative by the legatine councils held in England, which being attended and confirmed by the kings and caldormen, had the authority of witenagemots."²

¹ Selden's *History of Tithes*, p. 35.

² *Constitutional History*, vol. i., 262.

In this passage Bishop Stubbs clearly intimates that the origin of tithes as a compulsory charge was substantially the same on the Continent and in England; and Dean Milman, referring to the origin of the tithe system in the Western Empire, says:—"On the whole body of the clergy Charlemagne bestowed the legal claim to tithes. . . . This tithe was by no means a spontaneous votive offering of the whole Christian people—it was a tax imposed by imperial authority, enforced by imperial power."¹

The "pious ancestor" theory.—The idea prevalent among the supporters of the Church Establishment that the tithe charge is due to the gift of private individuals, who made their estates liable in perpetuity to its payment, is improbable on the face of it, and has no support from the facts of history. If this had been the mode in which compulsory tithe originated, there should have been among the great number of extant documents in regard to tithe, which have come down from Anglo-Saxon times, some conclusive proof of the fact. But no single case of the kind has ever been produced; and Mr. Chancellor Dibdin cites this fact in disproof of the theory.²

It is true Lord Selborne, in the second and subsequent editions of his *Defence*, has given two cases from Norman times, long after tithes had been made compulsory—one, that of Exhall in Warwickshire, the other, that of Hay in Brecknockshire. But although both these cases have long been known, they have never before been cited as evidence of the private origin of compulsory tithes; and for the very sufficient reason, no doubt, that they are cases, apparently, not of the original imposition of tithe, but of a long subsequent re-appropriation of it.

The "common law" theory of tithes.—The contention that tithes are "due at common law" is really only another mode of asserting that they are the creation of law, and not due, therefore, to the action of private individuals. Mr. Dibden and Lord Selborne, indeed, both advance this common law theory for the express

¹ *History of Latin Christianity*, vol. ii., pp. 292-3.

² *Endowments and Establishment*, &c., ed. 1886, p. 151.

purpose of proving the private origin of tithes ; but their own statements of the facts are sufficient to show that precisely the opposite conclusion to that which they draw is the only tenable one. Mr. Dibdin's account, in brief, is, that the payment of tithe having first been taught as a Christian duty, came next to be "also a matter of Church law"; that the clergy then claimed the tithes as their right; and, finally, that this right "became a part of the law of the land."¹ Lord Selborne's argument is much the same. He says:—

"The payment of tithe originated in the acknowledgment of a moral or religious obligation supposed to be incumbent on Churchmen generally, which, after acquiring first the force of custom, and afterwards the sanction of ecclesiastical law, passed, with the rest of that law, into the national jurisprudence of our own and other Christian countries."²

It is obvious, however, that before anything could become "part of the law of the land," or "pass into the national jurisprudence," either the law-making or the law-administering authority of the time must have decided that it should be so; and this intervention of the legislative or judicial authority (however or whenever it took place) to compel where previously there had been freedom of choice, at once and for ever fundamentally altered the character of the tithe, and converted what had been a voluntary gift into a compulsory tax.³

¹ *Endowments and Establishment, &c.*, pp. 153-5. ² *Defence*, p. 125.

³ Sir John Campbell (afterwards Lord Chancellor) puts the facts of the case briefly thus:—"Tithes were not the voluntary donations of the faithful, they were imposed by the Legislature; and, though they had now become property, in their origin they were a property tax." (*Speech, April 2nd, 1835.*) Mr. Freeman, in effect, takes the same view. He says, indeed, that "we must put out of sight the popular notion that, at some time or other, the State determined to make a general national endowment of religion." But he adds, "The nearest approach to a regular general endowment is the tithe, and this is not a very near approach. The tithe can hardly be said to be granted by the State. The state of the case rather is that the Church preached the payment of tithe as a duty, and that *the State gradually came to enforce the duty by legal sanctions.*" [*Disestablishment*, pp. 14, 15.] Sir Walter Phillimore, who is, perhaps, one of the highest living authorities on ancient Church law, in a letter to the *Guardian* (May 31st, 1893) puts the case more clearly, thus:—"The earliest tithe-payers acted, no doubt, under the influence of the idea (derived, I

Nature of tithe and tithe-rent charge.—Originally, and up to the year 1836 (excepting in cases where a “composition” or payment in money had previously been agreed upon), tithe was paid in kind; the clergy taking the tenth sheaf of corn, the tenth sack of potatoes, the tenth calf, and the tenth pig, and so on, throughout the whole range of tithable produce. But in the year above-named the “Tithe Commutation Act” (6 & 7 Will. IV. c. 71) substituted for the payment in kind what is known as a “tithe rent-charge,” the precise amount of which varies with the varying price of corn. Although this change and the Tithe Act of 1891 (54 Vict. c. 8), making the direct payment of the tithe compulsory on the landlord, have done something to allay the irritation produced by the tithe system, it has in no degree altered the essential character of the impost. In the course of time, and especially at the Reformation, a considerable amount of tithe passed into lay hands and became private property.¹ But the clerical tithe is still—as it was at the

believe, like some other Judaic ideas, from the clerical and literary circle of Charlemagne) that they were under religious duty to give the tenth of their income to the Church. But when this idea had once taken root in public opinion, any one who refused to pay tithe was treated as a breaker of the law of the Church and was subjected to excommunication. If this had no terrors for him, the aid of the secular arm was ‘implored’ and, by a process which ultimately took form in the writ *De excommunicato capiendo*, he was cast into prison. Thus the voluntary subscription became a tax. If this bit of legal history be correct, there was no ‘giving’ of tithe except by some early Saxons during their lives. All subsequent tithe is a tax imposed by the State for the benefit, in the first instance, of the Church.”

¹ The Board of Agriculture Report for 1891 states that the total amount of tithe rent-charge, as commuted and apportioned in 11,787 parochial divisions, is as follows:—

Payable to Clerical Appropriators	...	£680,039	0	11 ³ / ₄
„ Parochial Incumbents	...	2,412,351	6	0 ¹ / ₂
„ Lay Impropriators	...	766,205	18	2 ¹ / ₄
„ Schools, Colleges, &c.	...	196,056	15	0 ¹ / ₂

£4,054,653 0 3¹/₂

The amount here given as paid to the “Clerical Appropriators” (bishops and cathedral dignitaries) and Parochial Incumbents exceeds by £124,000 the value of the tithe given in the return of Church revenues; but the discrepancy is accounted for by the fact that in the figures here given the tithe is put at its nominal or par value.

first—a charge imposed by the State for the maintenance of the Church Establishment; and when that Establishment ceases to exist, the tithe will revert to the State for the general purposes of the nation.

Tithes and the Poor.—One of the points which has been much discussed of late is the right of the poor in former times to a share of the tithes; and it is important, therefore, to show what recognised authorities have said on the subject. Blackstone, an authority wholly favourable to the Establishment, says:—

“At the first establishment of parochial clergy the tithes of the parish were distributed in a four-fold division; one for the use of the bishop, another for maintaining the fabrick of the church, a third for the poor, and the fourth to provide for the incumbent. When the sees of the bishops became otherwise amply endowed, they were prohibited from demanding their usual share of these tithes, and the division was into three parts only.”¹

Lord Selborne, referring to this passage but without quoting it, says, Blackstone “probably was not in that passage of his Commentaries referring to any supposed custom of England.”² But there is absolutely nothing to justify that statement; for only a little later, commenting on the Act 15 Rich. II. c. 6, in reference to “appropriations of churches,” Blackstone says:—

“It seems the parishes were frequently sufferers, not only by want of divine service, but also by withholding those alms, *for which, among other purposes, the payment of tithes was originally imposed*; and therefore in this Act a pension is directed to be distributed among the poor parishioners, as well as a sufficient stipend to the vicar.”³

It is clear, therefore, that Blackstone does say, in reference to England, that the poor equally with the clergy were entitled to a share of the tithes.

Mr. Kemble, in his “Saxons in England,” takes the same view. He says:—

“The first secular notice [of the liability of tithe to the relief of the poor] is contained in the following law of Ethelred, A.D. 1014. ‘And concerning tithe, the King and his Witan have chosen and said, as right it is, that the third part of the tithe which belongs to the church, shall go to the reparation of the church, and a second part to the servants of God, and the third to God’s poor and needy men in thralldom.’

¹ *Comment.*, Book I., chap. ii.

² *Defence*, p. 149.

³ *Comment.*, Book I., chap. ii.

"But if positive public enactment be rare, it is not so with ecclesiastical law, and the recommendations of the rulers of the Anglo-Saxon Church. The poenitentials, confessionals, and other works compiled by these prelates for the guidance and instruction of the clergy abound in passages wherein the obligation of providing for the poor out of the tithe is either assumed or positively asserted."¹

After quoting various passages from the original authorities on the subject, Mr. Kemble concludes with these words: "Thus, according to the view of the Anglo-Saxon Church, ratified by the express enactment of the Witan, *a third of the tithe was the absolute property of the poor.*"²

Sir Robert Phillimore also, in his "Ecclesiastical Law of England," a text-book of recognised authority, says:—

"A second prejudice to the parochial clergy was the early division of tithes and offerings into several parts, for the several purposes of piety and charity. . . . A rule obtained for dividing the fund into four parts. . . . But when sees began to be endowed with lands and other firm possessions . . . the division was only into three parts; and every priest was the receiver and distributor as the bishop had been before, standing obliged to expend one part on the raising, supporting, and adorning his church and manse, another part upon entertaining strangers and relieving the poor, and to have a third reserved for his own immediate occasions."³

Professor Brewer, a supporter of the Establishment, adopts the same view, and referring to the English bishops, says, "If they were strict in enforcing tithes it was for the poor, the clergy, and the repair of the churches."⁴ But Mr. Dibdin, in an editorial note in the new edition of Mr. Brewer's work, says, "the question whether a tripartite or quadripartite division of tithes ever prevailed in England does not admit of any decisive answer";⁵ while Lord Selborne has endeavoured to show that no actual law on the subject has ever obtained in England.

CHURCH LANDS.

The Episcopal and Capitular estates, and the glebe and other lands of the Parochial clergy form the second main source of the revenues of the Establishment, and yield according to the return £1,371,107.

¹ *Saxons in England*, vol. ii., pp. 502-3. ² *Ibid.*, pp. 505.

³ *Ecc. Law*, 1873, vol. i., p. 266.

⁴ *Endowments and Establishment*, &c., p. 52. ⁵ *Ibid.*, p. 156.]

The Episcopal and Capitular estates.—The landed estates now held by the Bishops and Cathedral bodies yield an annual income of £159,535; and adding £219,660 for the lands held by the Ecclesiastical Commission (which mainly belong to other episcopal and capitular estates), the total value is £379,195.

The ancient Episcopal sees and Cathedral bodies being all of Royal foundation, it follows that they would largely have been endowed out of public property. But this is not a mere inference. The charters of Anglo-Saxon times still extant demonstrate that it was so. Those documents show that “a very large proportion of the landed estates of the archbishops, bishops, and capitular bodies was given out of national property by Anglo-Saxon kings and their respective witenagemots”; and Mr. Freeman not only admits the fact, but says it is “what nobody who had the faintest knowledge of Old-English history could ever have questioned”; and that “nothing can be more true” than that the Anglo-Saxon charters “conveyed large portions of folcland, or national property, to the [ecclesiastical] corporations.”¹ Mr. Freeman, it is true, enters into an elaborate argument to prove that, although these Church lands were thus given by the State, they are not now national property. But that is a position which no practical politician would dream of admitting, and is immaterial to the point here insisted on, namely, that these landed estates were given to the Church, not by private individuals, but by public authority.

It would appear, indeed, that in those early days the Church was not only itself largely endowed with land by the State-authority of the time, but that private individuals also were rewarded by grants of public land for services rendered to the Church. The following passage from Mr. Kemble’s “Saxons in England” is very suggestive on this point:—

“At a very early period, however, it became a practice to carve hereditary estates out of the folcland which thus became the private property of the individual. . . . These estates were always granted by book or charter, and thence bore the name of bocland. . . .

¹ *Contemporary Review*, February, 1891, p. 189.

The pretext upon which these conversions of folcland into bocland were made at first, was the erection and endowment of a religious house upon the land, by the grantee; and we learn that sometimes the conversion was made—the thane presented with the estate, but the church or monastery not constructed.”¹

Glebe Lands.—There appears to be no certain knowledge as to the manner in which the earliest parish churches became endowed with glebe. Bishop Stubbs, referring to the time before the payment of tithes had been made compulsory, says: “The bestowal of a little estate on the church of the township was probably the most usual way of eking out what the voluntary gifts supplied.”² But there is no indication whether that bestowal was made by public authority or by private individuals.

It is certain, however, that a large proportion of the land now held by the parochial clergy, and commonly regarded as “glebe land,” has been obtained in quite recent times, under Enclosure Acts, in exchange for tithes. There are two Parliamentary Returns on the subject,³ but they are so defective that it is impossible from them to ascertain the total quantity of land which has thus been assigned to the clergy. In some counties no such assignments appear to have taken place. But in others they are very numerous; and some idea may be formed of the quantity of land which has been handed over to the clergy in lieu of tithes by the fact that, in Bedfordshire there are over 23,000 acres, in Cambridgeshire 24,000 acres, in Gloucestershire 28,000 acres, in Huntingdonshire 10,000 acres, in Lincolnshire 62,000 acres, and in Northamptonshire 39,000 acres thus assigned.

In 1887, a return was presented to Parliament of “all Glebe Lands in England and Wales, showing the parishes in which they are respectively situate, and the estimated annual value of the several glebes.” The following is

¹ Kemble's *Saxons in England*, vol. i., p. 301.

² *Const. History*, vol. i., p. 261.

³ *Parly. Papers*, 145 and 145 I., Sess. 1865.

⁴ *Parly. Paper* 61, Sess. 1887.

the summary of the return, the facts being arranged according to dioceses:—

EXTENT AND VALUE OF GLEBE LANDS.

Diocese.	Area of Glebe.	Gross estimated rental of Glebe.
Bangor	4,291	£3,387
Bath and Wells	16,648	29,626
Canterbury... ..	4,749	8,168
Carlisle	24,268	24,123
Chester	3,737	8,183
Chichester	6,927	11,179
Durham	8,660	10,289
Ely	49,395	57,910
Exeter	22,657	30,752
Gloucester and Bristol	30,369	36,670
Hereford	15,067	19,168
Lichfield	12,201	21,558
Lincoln	67,818	87,131
Liverpool	2,400	5,643
Llandaff	8,081	11,986
London	4,921	24,851
Manchester	8,059	22,618
Newcastle-on-Tyne	5,640	7,632
Norwich	28,416	37,480
Oxford	44,719	56,861
Peterborough	74,632	107,661
Ripon	22,445	28,824
Rochester	1,729	7,826
St. Albans	18,755	23,864
St. Asaph	4,655	5,310
St. David's... ..	24,560	18,382
Salisbury	17,693	24,171
Sodor and Man	498	751
Southwell	32,746	48,589
Truro	8,313	11,604
Winchester	9,986	13,333
Worcester	28,849	45,156
York	45,646	57,578
Total	659,548 ¹	£908,281 ¹

¹ These totals include the parts of acres, and the shillings and pence, which are omitted in the figures for the diocese separately.

In the Church revenue return, the amount given as actually received by the parochial clergy from lands is £991,212, or nearly £83,000 in excess of what is stated above to be the "gross estimated rental." In view of this fact, it is instructive to note what Lord Selborne says as to the value of glebe lands. He says:—

"I have not seen any estimate of the annual value of glebe lands which exceeds £400,000, or of other lands and annual payments to the parochial clergy in lieu of tithes which exceed £320,000, and this I suspect to be quite an excessive estimate."¹

And yet it now appears that this "excessive estimate," including as it does "annual payments in lieu of tithes" as well as the rents of glebe and "other lands," is £271,212 a year less than the amount actually received from lands alone, exclusive of "annual payments in lieu of tithes," and £508,281 a year less than the estimated rental of glebe lands alone! These great discrepancies do not say much for Lord Selborne's acquaintance with the facts about which he writes so confidently.

The Glebe Lands Act.—In 1888 the Glebe Lands Act (51 & 52 Vict. c. 20) was passed, partly to relieve the distressed country clergy, by enabling them, under certain conditions, to sell their glebe lands, and partly to facilitate the acquisition of "allotments" by agricultural labourers. But sales under this Act are greatly impeded by the necessity of obtaining the consent of the bishop and the patron, and by the further condition that all sales shall be "for the permanent benefit of the benefice." The Report of the Board of Agriculture for 1891² states that up to that time 2,996 acres of glebe had been sold for the sum of £174,685, which "has been invested for the benefit of the respective incumbents." The Report also states that—

"In all cases where it did not appear that the price was likely to be diminished by offering the land, or some part of it, for sale in small parcels, such offer was made, but without material results as regards the acquisition of land by cottagers or labourers, who either have not been desirous or have not had the means of purchasing."

¹ *Defence*, p. 104.

² *Parliamentary Paper*, c.

—1892,

It will be obvious that when disestablishment takes place these extensive glebe lands, situated in every part of the kingdom, will be much more freely available for a wide extension of the allotment system, and may be made the means of largely benefiting the labouring population.

MISCELLANEOUS PROPERTY.

Houses, Ground-rents, and other property.—It will be seen that, according to the Church property return, considerably more than three-fifths of the total revenue of the Establishment from houses and ground-rents are in the hands of the Ecclesiastical Commissioners, and the detailed tables of the return show that over £300,000 of this revenue is derived from the two counties of Middlesex and Surrey. It comes, in fact, from the rich endowments of St. Paul's Cathedral and the bishoprics of London and Rochester, about which the return gives absolutely no information. The revenue derived from "minerals" is also, it will be seen, mainly in the hands of the Commissioners, over £240,000 of the total amount coming from the county of Durham, where the Commissioners, draw a royalty from every ton of coal brought to the surface, with the result that the Church Establishment is by no means popular among the miners.

The ecclesiastical buildings.—The Parliamentary return of Church revenues gives no account of the annual value of the cathedrals and parish churches, and merely mentions, but without including in its summary, the rateable value of the residences. This rateable value is given as £11,151 for the episcopal palaces; £18,928 for the residences of the cathedral clergy; and £518,054 for the "parsonage houses," 11,667 in number, of the parochial clergy; and with respect to these "parsonage houses" the return states that "more than two-thirds of their cost may be regarded as derived from private benefactions and from the payments of the clergy out of their incomes."

The cathedrals and parish churches form a very important part of the public property appropriated to the use of the Established Church; and the Hon. A. Elliott, M.P.,

has the following observations in reference to them in his *The State and the Church*:—

“It would be absurd and impossible to put a money value on the cathedrals, churches, and chapels of the Established Church. At the same time it would be to give a very false notion of the position of the Church towards the State to omit all mention of the sources from which, as regards its edifices, the Church of England finds itself so magnificently endowed. In the main the wealth of the Church in this respect was inherited, or rather acquired, at the time of the Reformation, from the Roman Catholics, who had created it. The Roman Catholics and the English nation had been formerly one and the same. When the nation, for the most part, ceased to be Catholic, these edifices, like other endowments devoted to the religious instruction of the people, became the property of the Protestant Church of England, as by law established.”¹

In 1875-6 returns were presented to Parliament on the motion of Lord Hampton² showing that from 1840 to 1873 the amount expended on the building and restoration of churches and cathedrals (excluding cases in which the total cost was less than £500) was £25,548,703; and in 1892 the Duke of Westminster obtained a further return³ showing that from 1873 to 1891 there had been an additional expenditure for similar purposes of £20,531,402. Of both these amounts the main portion was derived from private benefactions (although very considerable sums from public sources are included); and the large amount thus given for church building and restoration contrasts in a very striking manner with the comparatively small sum (£272,605) which, according to the Church revenue return, is the whole amount derived as annual income for the parochial clergy from private benefactions since 1703.

THE ECCLESIASTICAL COMMISSION.

This body was appointed in 1836 by Act of Parliament (6 & 7 Will. IV. c. 77), for the express purpose of a better administration of the property and revenues of the Church

¹ *The State and the Church*. English Citizen Series, p. 98.

² *Parly. Papers*, 291, Sess. 1875; and 13 & 69, Sess. 1876.

³ *Parly. Paper* 219, Sess. 1892.

Establishment ; and it now has a large part of the general management of its affairs.

It owes its origin to the widespread dissatisfaction with the Establishment which prevailed at the time of the great reform agitation of 1831-2. The bishops and clergy vehemently opposed the passing of the Reform Bill, and it was commonly believed that their hostility was due to their knowledge that the Church was as full of abuses as the State, and that political reform would certainly be followed by drastic reforms in matters ecclesiastical. And that was the actual result; for commissions of inquiry were appointed, which to a large extent confirmed the popular impressions. The feeling against the Establishment was so strong that in 1834 a Conservative Government even was induced to appoint a fresh commission, and in 1835 it was directed to report not merely as to the facts, but as to the best mode of dealing with them, with the view of increasing the efficiency of the Establishment.

One result of these inquiries was to show that while there were large masses of the population almost destitute of the means of public worship, in so far as the Established Church was concerned, and 5,000 incumbents with livings under £200 a year, and 5,250 curates with an average stipend of only £80 a year, there were yet bishops with £13,000, £15,000, £20,000, and even £22,000 a year. The principal recommendations of the commission of 1835 were for a more equal division of the episcopal revenues; and in 1836 the Government of Lord Melbourne brought in the measure before referred to (6 & 7 Will. c. 77), which constituted the Ecclesiastical Commission a permanent body and charged it with the duty of carrying out its own recommendations.¹

The Act is known as the "Bishops Act" from the circumstance that it rearranged the episcopal stipends ;

¹ The Commission, as first constituted, consisted of the two archbishops and three bishops, five members of the Government (being members of the Church of England), and three other laymen. It now consists of the two archbishops, all the bishops, five Cabinet Ministers, four Judges, three Deans, and twelve other eminent laymen.

cutting down the larger ones and adding to the smaller. The following reductions were made:—

			Reduced from	To
Archbishop of Canterbury	...	...	£22,216 ¹	£15,000
Archbishop of York	...	...	13,708	10,000
Bishop of London	...	...	15,133	10,000
Bishop of Durham	...	...	21,991	8,000
Bishop of Ely	...	...	12,627	5,500
Bishop of Winchester	...	...	12,107	6,500

With the funds thus taken from the richer sees, the Act directed the Commissioners to make the average “annual income of the other bishops respectively not less than £4,000 nor more than £5,000”; and the amounts then fixed are, with one or two exceptions, those which the bishops now receive, as given in a former page.²

Other legislation on the same lines followed. In 1840 “the Cathedral Act” (3 & 4 Vic. c. 113) gave legal effect to the recommendations of the Commissioners concerning the caputular bodies. In 1856 the 19 & 20 Vic. c. 55, transferred the powers of the Church Building Commissioners to the Ecclesiastical Commission, and in 1860 the 23 & 24 Vic. c. 124, took the whole of the episcopal estates out of the hands of the bishops, and “vested” them “absolutely” in the Ecclesiastical Commission; providing that the income they yield should thenceforward form part of the “Common Fund” of the Commission, and be applicable to all the purposes of that fund.³

In the early years of the Ecclesiastical Commission, it incurred great odium from the excessive regard it displayed for the pecuniary interests of the dignitaries of the Establishment, and especially for the extravagant amounts it spent upon the palaces of the bishops, much to the disadvantage of the poorer clergy, the relief of whose needs was thus greatly delayed. In later years the action

¹ These amounts were given in the Report of the Commission of 1835 as the average amount received in the three years previously.

² See page 77.

³ Fourteen of the bishoprics have since been re-endowed with such portion of their estates as are calculated to yield the statutory income, and are now managed by the Commission for the bishops. A similar state of things obtains as to the estates of several of the caputular bodies.

of the Commission has been much less open to objection, and in their report for 1893 they state that—

“During a period of fifty-two years, extending from 1840 (when the Common Fund was first created) to the 31st of October last, the Commissioners have augmented and endowed upwards of 5,700 Benefices by annual payments charged on the Fund; by capital sums expended in the provisions of parsonage houses, &c.; and by the annexation of lands, tithe rent-charges, &c. The value of these grants exceeds £791,300 per annum, in perpetuity, and is equivalent to a capital sum of, say, £23,775,000. The value of Benefactions, consisting of lands, tithe, and other rent-charges, stock, cash, &c., secured to Benefices, and met for the most part by grants from the Commissioners, exceeds £174,400 per annum, in perpetuity, and is equivalent to a permanent increase of endowment of, say, £5,667,000. A sum exceeding £26,000 per annum is also contributed by Benefactors to meet the Commissioners’ grants for curates in mining districts. The total increase in the incomes of Benefices thus resulting from the operation of the Commissioners exceeds £987,700 per annum, and may be taken to represent a capital sum of £29,428,000.”

PARLIAMENT AND “CHURCH PROPERTY.”

The appointment and the work of the Ecclesiastical Commission afford conclusive evidence as to the constitutional and Parliamentary view of the real ownership of what is called “Church property.”

It was clearly recognised at the time that the appointment of the Commission was a distinct assertion on the part of the Legislature that Church property is public property. Sir Robert Inglis opposed the appointment of the Commission expressly on that ground. “For the first time,” he said, “in respect to England, an Act of the Legislature, unsanctioned by the Church, recognised the principle that Church property was public property.”¹

Dr. Hook, of Leeds, was still more explicit. He said:—

“By the establishment of the Ecclesiastical Commission, our rulers have declared that it is lawful to take from a parish or a diocese which is too highly endowed, and to bestow the surplus on another diocese or parish. If the Commissioners have the right to deal with the property of the Church, without reference to the intentions of those who left it, for what they consider the good of the Church, why should not the property of the Church be dealt with in like manner for the good of the country at large?”²

¹ *Hansard*, July 19th, 1836.

² *Life of Dean Hook*, vol. ii., p. 445.

There is but one answer to that question. The Ecclesiastical Commission is, of course, merely the agent and instrument of Parliament; and Parliament either *has* the right to use Church property "for the good of the country at large," or it has no right to redistribute that property as it has done, and is still doing, by means of the Commission. This is the more clear as the Church of England is not one great corporation, holding a common property for the support of its clergy as a body. The Church, as a whole, is not a corporation and holds no property;¹ but it comprises a large number of separate corporations, each of which holds its own separate property; these separate corporations, being, in so far as their property is concerned, as independent of one another as are the corporations of London and Liverpool. And yet Parliament takes possession of the property of these separate ecclesiastical corporations and redistributes it, in a manner in which it never dreams of dealing with the property of municipal or other corporations, much less with the property of private individuals. It is clear, therefore, that Parliament has acted, and still acts, upon the assumption that, over and above the authority which it has in regard to property of all kinds, it has a special right over Church property; and that, with due regard to the interests of existing beneficiaries, it is at liberty to deal with that property as it sees fit "for the good of the country at large."

The transfer of Church property at the Reformation.—It is a mistake, however, to suppose that prior to the appointment of the Ecclesiastical Commission Parliament had never asserted its right to deal with Church property as it thought fit for the good of the nation. It did practically the same thing, only on a much larger scale, at the time of the Reformation; when, by the new conditions which

¹ "People talk as if, Church property, was the property of one vast corporation, called 'the Church.' In truth it is simply the property of the several local churches, the ecclesiastical corporations, sole and aggregate, bishops, chapters, rectors and vicars, or any other. The Church of England as a single body has no property."—Mr. Freeman in *Disestablishment*, p. 11.

it attached to the tenure of Church property, it, in effect, transferred the mass of that property from the support of the old Catholic faith of the country, to the maintenance of the new Protestant religion then established by law.

The supporters of the Established Church endeavour to obscure the significance of this great transaction by insisting on the "continuity" of the Church, and denying that there was any transfer of Church property from "one religious body to another."¹ But such pleas are wholly misleading. It is much more a question of religious systems than of religious bodies. At the commencement of the Reformation period the Church and the nation were one body, and its religion was that of the Catholic Church. But, as the Reformation advanced, the Papal system was gradually broken down, and the new Protestantism put in its place as the national religion. A division was thus created between the adherents of the old faith and those of the new; and what Parliament did with respect to Church property was to withdraw it entirely from the support of the old religion (which was made illegal, and as far as possible suppressed) and appropriate it wholly to the support of the new religious system which it had itself set up. It may not be strictly accurate to describe this as "taking the property from one religious body and giving it to another"; although even Mr. Freeman, strongly as he insists on the legal continuity of the Church, admits that, from the religious (or what he calls the theological) point of view, there is good ground for that mode of stating the facts of the case. He says:—

"It is quite possible to argue, either from the Roman Catholic or from the Protestant side, that the Reformation really made so great a theological change that the religious body which existed after those changes cannot be said to be the same religious body as that which existed before them."²

It is only in comparatively recent times, and since the movement for disestablishment has threatened the Church of England with the loss of its ancient endowments, that any attempt has been made to explain away this transfer

¹ Mr. Freeman in *Disestablishment*, p. 14.

² *Ibid.*, p. 18.

of Church property at the time of the Reformation. In earlier years men of all parties spoke of it as Sir Robert Peel did in 1825, when he said :—

“It must be recollected that the temporalities of the Church of Rome had been transferred to the Protestant Church. . . . It was impossible that [a Roman Catholic] should not consider the dispossession of his Church of its temporalities by the Church of England as an act of great injustice.”¹

But, however it may be regarded or described, the fact remains that, at the Reformation, Parliament did make this great transfer of Church property from Roman Catholic to Protestant purposes; and it did so wholly regardless of the fact that, in many cases, private donors of portions of the property had expressly provided that their gifts were to be applied to distinctively Roman Catholic uses.

It is in vain, therefore, that the supporters of the Establishment plead that its ancient endowments, equally with those of recent times, were the gifts of private individuals. In so far as the great mass of those endowments are concerned, it has already been shown that they are of public, not of private, origin. But even if it were otherwise, it would be of no avail for the present holders of the property; for these ancient endowments were certainly created in Roman Catholic times, and were appropriated to Roman Catholic purposes. The present holders have, therefore, not the shadow of a claim to the property on the ground of its original gift or appropriation. Their title is an exclusively Parliamentary title. In the exercise of its absolute authority over the property for the good of the nation, Parliament took it away from the Roman Catholic Church, and appropriated it to the new Protestant religion established by law. So long as the Protestant Church remains established it will be entitled to retain possession of the property; but the moment disestablishment comes its title will be gone, and Parliament will have to make a fresh appropriation of the property for the benefit of the nation at large.

¹ *Speech* in House of Commons, April 21st, 1825.

CHURCH PROPERTY NATIONAL PROPERTY.

In introducing the Tithe Commutation Bill in 1836, Lord John Russell distinctly affirmed that "tithe is the property of the nation"; and in 1890 Mr. Gladstone and the late Mr. W. H. Smith (then the leader in the House of Commons of the Conservative party) both made a similar declaration.¹ And what is true of tithes is true of Church property generally; it is property intended for the benefit of the nation at large, and, therefore, strictly national property.

This position is vehemently denied, however, by the supporters of the Church Establishment. Mr. Freeman, for example, says:—

"Church property is not 'national property,' except in the same sense in which all property is national property. It is not 'national property' in the only strict sense of those words. It is not *folkland*, *ager publicus*, property of which the nation is not only sovereign, but landlord. It ceased to be so whenever it passed into the hands of the ecclesiastical corporations, or into the hands of those who founded the ecclesiastical corporations."²

But Mr. Freeman really confirms the fact that the property of which he speaks *is* national property, by the very terms in which he denies it. He refers exclusively to landed property, and he admits that the landed property of the Church, or of the ecclesiastical corporations which it embraces, was originally national property; and that admission will be conclusive with all practical politicians that it is national property still.

Lord Selborne also denies that Church property is national property, and he quotes the above passage from Mr. Freeman in support of that view; but he takes no notice of the fact that Mr. Freeman flatly contradicts his account of the origin of Church property. Mr. Freeman says, in effect, that the property came originally from the State. But Lord Selborne says:—

"The Church of England is self-supporting; it receives no pecuniary aid from the State at the present time, directly or indirectly; and in

¹ *Speeches in the House of Commons*, Feb. 12th, 1890.

² *Disestablishment*, p. 10.

past times it has never received any such aid from the State which (having regard to the magnitude of the general question) is worth mentioning, unless the compulsory rates, formerly levied for the repair of churches, ought to be so considered.”¹

Nothing can be more explicit than this statement that, “in past times, the Church of England, has never received any aid from the State worth mentioning.” But Mr. Freeman admits that the Church’s landed property was originally national property, and that it was granted to the Church by the Anglo-Saxon Kings and their witenagemots, or, in other words, by the State.² It is substantially the same with regard to tithe. This also came, and, according to Lord Selborne’s own showing, must have come, from the State.³ Lord Selborne, therefore, like Mr. Freeman, answers himself; and while he formally denies that Church property is national property, his own pages supply the refutation of the statement.

Mr. Gladstone and “State-pay.” — Lord Selborne endeavours to fortify his position that Church property is not national property, by quoting a statement made by Mr. Gladstone in 1885, which has been widely used by the supporters of the Established Church, that “the clergy of the Church of England are *not* State-paid.” It was not very clear what Mr. Gladstone meant by these words, and, on being asked for an explanation, he referred to the debates in Parliament on the Irish Church question for a full exposition of his views on the subject. And Mr. Gladstone’s speeches in those debates make it abundantly clear that, whatever he may have meant by denying that the clergy are “State-paid,” he does most distinctly contend that Church property is public property. Over and over again he affirms that Church property is “public or national property”; that “the Church of England is a State-Church,” supported by “State-endowments”; and that the “Church Establishment” itself “is but an appropriation of public property.”⁴

But, notwithstanding these explicit statements, Mr.

¹ *Defence*, p. 177. ² See *ante*, p. 144. ³ See *ante*, p. 140.

⁴ *Speeches*: March 30th, April 30th, and May 7th, 1868.

Gladstone's denial that the clergy are "State-paid" was continually quoted, as Lord Selborne quotes it, to show that Church property is *not* public property; and in Dec., 1892, Mr. Gladstone gave further encouragement to that view by writing to a correspondent that "the Church of England receives no assistance from the public funds." In this case, however, there was good reason to believe that the statement had reference exclusively to public funds annually voted by Parliament. But such a statement, coming from Mr. Gladstone, was too well suited to the supporters of the Church Establishment to lead them to use it in the limited sense intended by Mr. Gladstone, and, like his previous statement as to "State-pay," it was eagerly quoted, as affirming that Church property is not public property.

Mr. Carvell Williams, M.P., therefore wrote to Mr. Gladstone, pointing out the misleading use that was being made of his words, and asking "whether in stating that 'the clergy of the Church of England are not State-paid,' and that 'the Church of England receives no assistance from public funds,' his statements were not limited to the fact, that the Church does not now receive State-assistance in the form of Parliamentary grants; and were not intended to support the contention that the endowments in possession of the Church are not national property." Mr. Gladstone immediately (January 25th, 1893) replied as follows:—

"Some of the words quoted in your letter, and said to have been used by me (but I am not aware of having myself used ambiguous words), are perhaps of disputable meaning. *But I have declared again and again that the funds of the Church, understanding the words as they were generally understood by the Irish Church Act, are national property.* And this remains true, although it be also true that the Established Church in England does not, like that in Scotland, draw anything as an Establishment from what I may call Parliamentary sources."

A little later (March 1st) Mr. Gladstone sent a similar reply to another correspondent; and it is clear, therefore, that he in no degree recedes from the position taken up in his Irish Church speeches, that Church property *is* public or national property.

Church property intended for the Nation.—The main ground of this contention, that Church property is national property, is the fundamental fact that the Church of England is established by law as the National Church. It is this which makes all the difference between the Church of England and other Churches. If the Church of England were merely a private religious society, as the non-established Churches are, its property would be, as theirs is, of the nature of private property; but, being established by law as the National Church, it is impossible to regard its property as other than national property, in the sense that it was intended for the benefit of the nation. In order to make out a case for the contrary view the supporters of the Established Church deny, or explain away, its establishment; and having thus got rid of the most essential element of the question in dispute, and put the Church of England in the position of a private religious society, they have no difficulty in speaking of its property as if it were private property.

That is Lord Selborne's method. He practically ignores the Establishment, and uniformly refers to the Church of England as if it were simply one of several similarly circumstanced religious bodies; and then, in reference to its property, he says:—

“Unless every man has an equal right to the enjoyment of every other man's property, this is not State property—it was not so originally, it never has been so, it is not so now, in fact or in law.”¹

The only answer which these very positive assertions need is, that the Church of England, being established by law as the National Church, its property is, by the very necessities of the case, national property.

Mr. Gladstone has put this point very clearly in a reply to Lord Selborne (then Sir Roundel Palmer) in one of his Irish Church speeches. Referring to Church property generally, Mr. Gladstone said:—

“There is a trust—whether in the legal sense I know not—but in the political, the social, the moral sense, there is a trust impressed upon

¹ *Defence*, p. 183.

this property from first to last for the benefit of the nation. *It was for the nation that the property was given.* It is true it was given to corporations. Yes; but why? Not that they might enjoy it as private property, but that they might hold it on condition of duty. They were only convenient symbols—convenient media for its conveyance from generation to generation. *The real meaning, scope, and object was that through them it should be applied for all time to the benefit of the entire population of the kingdom.”*¹

Mr. Gladstone added that “this was a natural and intelligent arrangement when the entire nation was of one faith”; but that it ceases to be so as Dissent and difference of opinion creep into the country, “and Dissenters are not prepared to acquiesce in the continuance of the Establishment.”

Recent private endowments.—Nor will Mr. Gladstone admit of any distinction in principle between the public endowments of the Church and those of private origin.

“Why,” he asks, “are we to establish in this Bill a separate category for private endowments, and dividing them from the *mass of what we affirm to be national property—namely, the property of the Church*, to keep them back, and attach and appropriate them to the particular religious community that is about to exist in a disestablished condition.”²

And, refusing to make any such distinction, he adds:—

“I suspect that if we were to examine these endowments we should find that there were multitudes of them given to the national Established Church because it was the national Established Church, and therefore the endowment must follow the fate of the national Establishment.”³

In respect to these private gifts the Established Church stands in a similar position to that of any other national institution—*e.g.*, the National Gallery or the British Museum. No one doubts that private gifts to these institutions become national property equally with purchases made with the nation's money; and in principle it is the same with the gifts of individuals to the National Church. It is true that, in this case, the gifts are made not to “the Church of England” as such,

¹ *Speech* in the House of Commons, March 23rd, 1869.

² *Speech*, April 29th, 1869.

³ *Ibid.*

or to the "Established," or "National" Church, but to one or other of the corporations comprised within it, and limited to a particular parish or diocese. But the difference is more one of form than of substance; for as each of these ecclesiastical corporations holds its property on behalf of the whole population of the parish or diocese, who have an equal right to all the ministrations which the property sustains, and as the aggregate of those populations constitute the nation, the gifts made to these corporations are in effect made to the nation itself.

But the advocates of religious equality have never pressed for a rigid application of this principle in respect to disendowment. They recognise that while, in principle, all gifts made to the National Church are in effect made to the nation, the Church of England will yet have, when disestablishment takes place, a moral claim to retain possession of its recent private endowments. The Irish Church Act was framed on this view of the case; and Mr. Gladstone, strongly as he insisted that private gifts to the Established Church are national property equally with the mass of its endowments, yet himself proposed that in lieu of its recent private endowments the representative body of the Church should receive a sum of £500,000. The proposal was adopted, and there can be little doubt that in the disestablishment of the Churches of England and of Scotland these recent private endowments will be equally respected.

IRRELEVANT AND MISLEADING PLEAS.

The supporters of the Established Church, in their eagerness to retain possession of the public property by which the Church is now supported, advance a number of pleas which are wholly irrelevant or misleading.

The Dissenters' Chapels Act.—It is said, for example, that it would be unjust to the Church of England to deprive it of property which it has held for centuries, when, by the Dissenters' Chapels Act (7 & 8 Vict. c. 45, 1844), Nonconformists are secured in the possession of chapels and other property of which they have had the

undisputed use for five and twenty years. But the briefest recital of the purpose of that Act will be sufficient to show that it does not in any way touch the question, whether a disestablished Church should be allowed to retain possession of the public property by which it was previously supported.

The Act arose out of the decision of the House of Lords in the Lady Hewley Charities case, which practically revived against Unitarians the excepting clauses of the Toleration Act, directed against them, that were repealed in 1813; and thus threatened the Unitarian body with the loss of the chapels they had inherited from their Presbyterian forefathers. The Act, therefore, simply provides that where the trust deeds are silent as to the particular religious doctrines to be taught in Dissenters' chapels, a user of twenty-five years shall give a valid title to the property. And this Act, utterly irrelevant as it is, is used as a bar to the claim that when the Church of England is disestablished, and ceases to be the National Church, it shall no longer be allowed to retain possession of the property which was appropriated to its use for the benefit of the nation!

The Church and the "Annual estimates."—It is said, again, that if the Church were supported by public property there would be proof of the fact in annual votes of money on its behalf being made by Parliament, and that as no such votes usually appear in the "estimates" the statement that the Church is supported by public property cannot be correct. But this is a wholly mistaken view. It is true that Parliament does not vote money for the Church of England year by year, as it does for the support of the army, the navy, and the civil service; but that is simply due to the fact that the State has provided for the support of the Church in other ways. It has always been the policy of the State to provide for the maintenance of the Church by settled property; and hence, in the early days of the Church Establishment, tithes were made compulsory and public lands were set aside for its support; thus rendering annual grants of money on its behalf needless. It is a mistake, however, to suppose that the Church has not had money

voted for its support by Parliament. In 1818 Parliament granted £1,000,000 for Church building; and in 1824 it made another grant of £500,000 for the same purpose; and between 1809 and 1829 Parliament voted £1,100,000 for adding to the incomes of the poorer clergy¹; while other votes of public money of smaller amounts have also been made from time to time for Church purposes; and the fact that such votes have been made shows that, in the view of the Legislature, there is no practical difference between money annually voted for the Church and the settled property by which in the main it is supported.

The Church's "right" to its property.—It is said again that "the Church has as good a right to its property as the landowners have to their estates." But this proposition is no argument against the doctrine that Church property is national property or against the justice of the demand for disendowment.

No one denies that so long as the Establishment exists the bishops and clergy are legally entitled to their salaries, and no one proposes to take them away without compensation. But the point in dispute is, whether, when the Church is disestablished, and the clergy are fairly compensated for their life interests, the Legislature will not be justified in applying the surplus Church property to the benefit of the nation at large. The bishops and clergy have a perfectly legal right to their salaries, and, in that sense, "as good a right" as any private person has to his private property. But the right in the two cases is very different in kind. The clergyman has simply the right of a public servant to his legally appointed stipend, which he receives on condition of duty. He is in no sense the proprietor of the property from which the stipend is derived. He has only a life interest in it, and can neither give nor bequeath it to anybody else. And what is true of the individual clergyman is equally true of the whole body of the clergy. They are public servants, paid for the performance of certain duties, prescribed and

¹ *Parly. Paper* 572, Sep., 1843.

regulated by law, as the religious teachers of the nation. Their stipends, as Lord Bramwell said, in deciding the Clewer case in 1879, are the "wages of the State"; and the question raised by disendowment simply is, whether when the State ceases to employ the clergy as its public servants, it shall continue to pay their "wages"? There can be but one answer to such a question; and when disestablishment comes, the bishops and clergy of the Church of England who will thereafter be appointed, will be left, as the ministers of all other religious bodies are left, to be supported by those to whom they minister; and the State will not only have the right, but be bound to apply the property out of which their predecessors have been paid to the general purposes of the nation.

Why the Church should be disendowed and not Dissenters.—It is asked again, why should the Church of England have its endowments taken away and all other religious bodies be left in possession of theirs? The Bishop of Manchester, indeed, has advanced an elaborate argument on this basis; and insists that if there be disendowment at all, there shall be "disendowment all round."¹

But the simple answer to such an argument is that the Church of England is not a private religious society, as all other religious bodies are, but a National Establishment; and that all its endowments have been acquired in that character, and for the benefit of the nation. It is impossible, therefore, to deal with the Church of England simply as one of the different religious bodies of the land, and to regard its endowments as the private property of a private society. The Church of England is the "Established Church," and has been such from the very beginning of its history, and all its property is property which it holds in trust for the benefit of the nation. It was "for the nation," as Mr. Gladstone says, that the property was intended; and, therefore, when disestablishment takes place, and the Church of England is no longer the National Church, it is inevitable that it should lose its public endowments. Were the Legislature to allow the

¹ *Speech* at Manchester, October 19th, 1892.

Church to retain those endowments after disestablishment it would be appropriating to the purposes of a sect property which was clearly intended for the benefit of the nation at large.

THE IRISH CHURCH PRECEDENT.

All such questions as these, however, were, for all practical purposes, finally settled by the passing of the "Act to put an end to the establishment of the Church of Ireland" (32 & 33 Vict. c. 42) in 1869. That Act disendowed the Irish Church as well as disestablished it; but it did not touch the private endowments of the non-established Churches; and it is very certain that the precedent thus set will be followed in any subsequent measure of disestablishment. Not that law and moral right are necessarily one and the same. But Church establishments are simply creations of the law; and have neither rights nor property excepting such as the law confers.¹ And all the objections which are raised now to the claim of the nation to the ownership of Church property were urged against the disendowment of the Irish Church, and were urged in vain. The nation deliberately set them aside as invalid, and the Legislature ratified the decision. In such matters there is no going back; and no practical politician doubts that when the English Church is disestablished, the Legislature, after meeting all reasonable claims for compensation, will apply the surplus of the property to the general purposes of the nation.

But while the Irish Church Act in its main lines thus forms a precedent which in all probability will be followed in the disestablishment of the Churches of England and Wales and Scotland, there are certain features of that Act which are hardly likely to be repeated in any future measure for disestablishment.

¹ Lord Selborne complains that this statement is marked by "recklessness" and "confusion of thought." It is in fact little else than a paraphrase of the language of an important State paper; namely, the Proclamation of the Crown to the General Assembly of the Scottish Established Church in 1843, which says, "You will bear in mind that the rights and property of an Established Church are conferred by law."

The finance of Irish disestablishment.—The financial provisions of the Irish Church Act are especially open to objection; and, in view of the approaching disestablishment of the Churches of England and Wales and Scotland, it is important that the facts of the case should be clearly kept in view.

In introducing the Irish Church Bill, on March 1st, 1869, Mr. Gladstone gave an outline of the anticipated financial results of disestablishment; and the Report of the Irish Land Commission on Church Temporalities in Ireland, for 1892,¹ makes it possible to compare these anticipated results with the actual facts of the case, so far as they are at present ascertainable.

Mr. Gladstone estimated the income of the Irish Church at about £700,000 a year, and the capital value of its property at “not less than £16,000,000.” The charges to be met, he estimated as follows:—

Compensation to—

(1) Bishops, dignitaries, and parochial clergy	... ..	£4,900,000
(2) Curates	... ..	800,000
(3) Lay officers	... ..	600,000
(4) Lay patrons	... ..	300,000
(5) In lieu of private endowments	... ..	500,000
(6) Building charges	... ..	250,000
		<hr/>
		7,350,000
(7) Compensation to Presbyterians in respect to <i>Regium Donum</i> ²	... ..	733,000
(8) Compensation to Roman Catholics in respect to Maynooth College	... ..	367,000
(9) Cost of Irish Church Commission	... ..	200,000
		<hr/>
		£8,650,000

The total charge against the property of the Church Mr. Gladstone thus estimates at £8,650,000; leaving, as

¹ *Parly. Paper* 23, Session 1893.

² The *Regium Donum* received by the Presbyterians, and the grant to the Roman Catholic College of Maynooth, were simply buttresses to the Irish Church Establishment, and in bringing them to an end with the Establishment it was rightly decided that the compensation given should come out of the Irish Church funds.

he said, "a sum at the disposal of Parliament for other purposes, of not less than between £7,000,000 and £8,000,000."

The financial transactions connected with the disestablishment of the Irish Church are not yet completed; and it is impossible to say with certainty what was the full value of its property or the total amount of the surplus available for the benefit of the Irish people. But it is clear that Mr. Gladstone underestimated both the value of the property and the extent of the charges that would be made upon it.

The following are the payments that have already been made in compensation and otherwise to the Disestablished Church, and to the Presbyterians, and Roman Catholics:—

Compensation to—

(1) Bishops, dignitaries, and incumbents	£6,468,597
(2) Curates... ..	1,873,935
(3) Lay officers	677,965
(4) Lay patrons	778,887
(5) To Representative Church Body in lieu of private endowments	500,000
(6) Building charges	466,600
	<hr/>
	10,766,044
(7) Compensation to Presbyterians in respect of <i>Regium Donum</i>	773,420
(8) Compensation to Roman Catholics, Maynooth College	372,331
(9) Cost of Irish Church Commission, & addl.	515,562
	<hr/>
	£12,427,357

Comparing these amounts with Mr. Gladstone's estimate it will be seen that, while the compensation to the Presbyterians and Roman Catholics very little exceeded the estimated amounts, the payments to the Disestablished Church are nearly three and a-half millions in excess of the estimate. About £800,000 of this excess is due to the addition by the House of Lords of a bonus of 12 per cent. to the commutation paid for life interests. £1,073,935 more is due to the excess on the estimated amount paid as compensation to curates. There was, in fact, a wholesale manufacture of curates in the Irish Church on the

eve of its disestablishment; their number having been increased from about 500 in 1868, when Mr. Gladstone's resolutions for Disestablishment were carried in the House of Commons, to over 900 on the 1st January, 1871, when the Irish Church Act came into force. More than 200 of these curates were appointed in the last month of the existence of the Irish Church as an Establishment; and the following advertisement from the *Belfast News Letter*, of December 28th, 1870, will show with what eagerness this business of crowding the Irish Church with curates for the purpose of adding to the compensation to be given was pursued up to the very last moment:—

CURATES WANTED.—Wanted immediately, two or three Curates in full or deacon's orders. Annuities almost certain. Apply, by letter, Wednesday (28th December, 1870) or Thursday (29th December, 1870), to R. H., Box 259, Post Office, Belfast; or *by telegraph* to George Hughes, Esq., Donegal Place, Belfast.

This is one of the scandals of Irish Disestablishment, which must be rigorously guarded against in any future measure of the kind.

APPROPRIATION OF THE IRISH SURPLUS.

In introducing the Irish Church Bill Mr. Gladstone stated that in disposing of the surplus funds there were two conditions to be observed, "written in letters of iron." One was, that the money was to be "applied to Irish purposes," and, the other, that it was to be applied to purposes "not ecclesiastical—not for any Church, not for any clergy, not for any teaching of religion."¹

But while the money was thus to be appropriated to purposes "disassociated from the teaching of religion," Mr. Gladstone urged that "its application should, if possible, bear upon it some of those legible marks of Christian character, which would be, as it were, a witness to its first origin and its long-continued use."² The Irish Church Bill therefore provided that the "surplus should be appropriated mainly to the relief of unavoidable calamity and suffering,

¹ *Speech* March 1st, 1869.

² *Ibid.*

yet not so as to cancel or impair the obligations now attached to property under the Acts for the relief of the poor." The House of Lords, however, added the further provision that "the proceeds shall be so applied accordingly in the manner Parliament shall hereafter direct," and the effect of this has been that the surplus was first "hung up," and then frittered away in a manner widely different from that which Mr. Gladstone proposed.

The surplus is now apparently exhausted, or nearly so; and the Irish people, instead of having benefited from it to the extent of between seven million and eight million pounds, as Mr. Gladstone anticipated, have received little more than six million pounds. The purposes to which the money has been applied, and the amounts voted for each, are as follows:—

Intermediate Education, 1878 (41 & 42 Vict. c. 66) ...	£430,625
National School Teachers, 1879 (42 & 43 Vict. c. 74) ...	408,000
Royal University, 1881 (44 & 45 Vict. c. 52) ...	210,000
Relief of Distress (43 Vict. c. 4, and 43 & 44 Vict. c. 14) ...	1,755,717
Arrears of Rent, 1882 (45 & 46 Vict. c. 47) ...	1,220,226
Relief of Distressed Unions, 1883 (46 & 47 Vict. c. 24), and Poor Relief, 1886 (49 Vict. c. 17) ...	52,169
Sea Fisheries, 1883 (46 & 47 Vict. c. 26) ...	402,009
Poor Relief, 1886, Piers and Roads Commission (49 Vict. c. 17) ...	32,888
Seed Potatoes Supply, 1890 (54 Vict. c. 1) ...	6,412
Purchase of Land, 1891 (54 & 55 Vict. c. 48) and 1892 ...	1,516,589
	<hr/>
	£6,094,665

THE LESSON FOR ENGLAND.

In the debate on Mr. Miall's disestablishment motion on May 16th, 1873, Mr. Gladstone said:—

"I once made a computation of what sort of allowance of property should be made to the Church of England if we were to disestablish her, upon the same rules of equity and liberality, with respect to property which we adopted in the case of the Irish Church, and I made out that, between life incomes, private endowments, and the value of fabrics and advowsons, something like £90,000,000 sterling would have to be given in this process of disestablishment to the ministers, members, and patrons of the Church of England."

It will be generally felt that the terms on which the Irish

Church was disestablished were those, not of "equity and liberality"—which are hardly consistent with each other—but of liberality instead of equity; and out of regard to the peculiar position of the Protestant Church in Ireland, Parliament was not unwilling to deal with it on generous terms. But it would, for many reasons, be something worse than a blunder to adopt a similar course in the disestablishment of the Church in England and Wales. The adherents of the Church of England include the immense majority of the propertied classes, and have at their command the great mass of the wealth of the Kingdom, and could, if they would, almost without an effort, replace the funds of which the Church will be deprived by disestablishment. It is essential, therefore, that in disendowment the ruling principle shall be, not generosity to the Church, but justice to the nation; and disestablishment carried out with strict regard to justice will entail a much smaller expenditure than that of the £90,000,000 mentioned by Mr. Gladstone, and leave a proportionately larger sum for the benefit of the people.

CHAPTER X.

THE CHURCH OF ENGLAND IN WALES.

THE Church Establishment in Wales comprises the four dioceses of Bangor, St. Asaph, St. David's, and Llandaff; each with its bishop and cathedral dignitaries; and with a total of about 1,000 parochial clergy.

It is strictly an extension into Wales of the Church of England. Its supporters themselves insist that it is not a separate Church, but simply "four dioceses of the Province of Canterbury;" and they urge the fact in language calculated, if not designed, to throw contempt upon the strong sentiment of nationality which is cherished by the Welsh people. The Dean of Llandaff says "before the Welsh Church can be disestablished, the Welsh Church must first be created." The Bishop of St. David's, with unpatriotic zeal on behalf of the Establishment, declares that, in reference to it, "Wales is a geographical expression, and nothing more." Lord Selborne urges that "the Church of Wales is part of the Church, as Wales itself is part of the realm of England"; and that the proposal to deal with disestablishment in Wales "as a special Welsh question," is "a flimsy pretext," as "preposterous" as it would be to propose separate "disestablishment in Yorkshire." The Archbishop of Canterbury declares not only that the Church in Wales is merely "four dioceses of the province of Canterbury," but that "nothing in their history or position as dioceses differentiates them from any other dioceses of the province."¹

¹ These quoted statements, and many others to the same effect, were all made in the agitation against disestablishment in Wales in the winter of 1887-8.

AN "ALIEN" CHURCH.

The "history and position" of the Church in Wales, to which the Archbishop of Canterbury thus refers, constitute with the great mass of the Welsh people the main ground of their objection to its establishment in the Principality; and it is impossible to understand their enthusiasm for disestablishment without taking into account some of the leading facts in that "history and position."

The English Church in Wales has from the first been an *alien* Church, out of sympathy with the people, and ever ready to use its influence to check and repress their national aspirations. It is the Church of the conqueror, which in the twelfth century, when the native Church of Wales was suppressed, was imposed upon the people by force, and used as a means of stamping out their national character. It was this suppression of the native Welsh Church and its subjection to the See of Canterbury which, as the late Dean Edwards says, changed "the Church of Wales into the Church *in* Wales."¹ The Welsh bishops at this time, says Canon Pryce, were "generally alien, often rapacious, and always prepared to betray the interests of the people"; so that "during several centuries bishops in Wales were essentially a hostile garrison, bound to the English Crown by ties of gratitude for the past, and of common hatred towards the native Welsh."²

The Reformation brought little benefit to the Principality, and led to a wholesale alienation of its ecclesiastical revenues. Mr. Arthur Johnes, himself a Churchman, in his "Causes of Dissent in Wales," says:—"Not only were no steps taken to restore to the Principality those revenues of which she had most unrighteously been deprived, but the robbery in times of

¹ *Swansea Church Congress Report*, 1879, p. 354. As repeated references will be made in this chapter to statements made at the Swansea Church Congress, they will for brevity hereafter be referred to simply as made "at Swansea," with the page of the Official Report in which the passages occur.

² *The Ancient British Church*, 1878, p. 259.

peace proved worse than the spoliation of the times of war, and the rapacity of the Reformation was added to the rapacity of Popery."¹ And the religious needs of the Welsh people appear to have been utterly neglected. The Act, 5 Eliz. c. 28, 1562-3, describes the people as remaining "in the like, or rather more, darkness and ignorance than they were in the time of Papistry," and it, therefore, provided for the translation of the Bible and Prayer Book into the Welsh language. But more than twenty years passed before the work was completed; and throughout that period the authorities of the Church were for the most part corrupt and negligent, and practically nothing was done for the spiritual welfare of the people.

In later years some notable men appeared among the Welsh clergy, like the Rev. Rees Pritchard, of Llandoverly, and the Rev. Griffith Jones, of Llandowror, who laboured with unwearied zeal for their countrymen and won their lasting gratitude. But these men are themselves the witnesses to the general neglect by the clergy of their duties, and to the condition of ignorance, immorality, and irreligion into which the country was allowed to fall.

HOW WALES BECAME NONCONFORMIST.

For nearly a hundred years after the Reformation Nonconformity in Wales was almost unknown, and, if the bishops and clergy had been mindful of their duties, they might easily have won the affection of the people. But the apathy and corruption of the Church had its natural effect, and, after a time, wherever in the Principality there was any religious zeal, it took the form of dissidence from the Church established by law.

In Wales, however, as in England, the whole force of the law was directed against the early Nonconformists, and it was with the utmost difficulty that they maintained their existence.

¹ *Causes of Dissent*, first published in 1831. Ed. 1870, p. 145.

"In the times of the Stuarts," says Mr. Johnes, "the ministers of the Welsh Nonconformists traversed the wild hills of the Principality, braving all dangers for the sake of their few and scattered followers. Their congregations occasionally met, but it was in fear and trembling, generally at midnight, or in woods and caverns, amid the gloomy recesses of the mountains."¹

But, notwithstanding their zeal, the early Nonconformists never obtained any general hold upon the people, and it was not until the "Methodist revival," in the middle of the eighteenth century, that Nonconformity began to be a power in the Principality. The condition of the country was deplorable. A Welsh periodical of 1799² says:—

"In those days the land was dark indeed! Hardly any of the lower ranks could read at all. The morals of the country were very corrupt; and in this respect there was no difference between gentle and simple, layman and clergyman. Gluttony, drunkenness, and licentiousness prevailed throughout the whole country."

It was under such conditions that the leaders of the Methodist revival began their work. Churchmen, and some of them clergymen, they had no thought of leaving the Establishment; but, unable to endure the coldness and indifference with which its authorities regarded the spiritual destitution of their countrymen, they broke away from its restraints; with the result that the new movement was from the first treated with open hostility by the bishops and clergy. Howell Harris, who began the movement, was denounced by the clergy wherever he went, and persecuted by the rabble. It was much the same with the Rev. D. Rowlands, who "was cast out of the Church of England," says the Rev. J. C. Ryle (now the Bishop of Liverpool), "for no other fault than excess of zeal"—although, as the Bishop adds, "this ejection took place at a time when scores of Welsh clergymen were shamefully neglecting their duties, and too often were drunkards, gamblers, and sportsmen, if not worse."³

The Methodist movement (1735 to 1811) led to a great

¹ *Causes of Dissent*, p. 10.

² *The Trysorfa*, edited by the Rev. Thomas Charles, of Bala.

³ *The Christian Leaders of the last Century*, p. 192.

religious revival throughout Wales; the older Nonconformist bodies being quickened into new life, and multitudes gathered into the new Methodist societies. One result was that, while "in 1715 there were but 35 Nonconformist chapels in Wales, in 1800 the 35 had become well nigh a thousand."¹

But the Established Church did nothing to aid the revival, and had no share in its blessed results. On the contrary, it continued for many years, as Lord Aberdare declared at Swansea, sunk in a condition of "gross degradation."² Canon Powell Jones, in the *Churchman* (July, 1880), asserts that within his own memory "it was the rule and not the exception" for "incumbents of large and important parishes" to be "absentees, and the spiritual charge of the people committed to curates whose stipends hardly exceeded a workman's wages." He also quotes Lord Aberdare's statement that he could "remember a time when the immense majority of the Welsh clergy were utterly unfit for the sacred duties imposed upon them." And Canon Jones adds:—

"This is a sad picture, but it is true; the immorality of the clergy at one time was proverbial among the people; it produced on their minds an impression which they imbibed with their mother's milk, that true piety could not thrive within the pale of the Church, and it was one of the chief causes of their alienation from her communion."

Archdeacon Howell states that this impression still exists. "In the minds of the Welsh people," he says, "the Church was still associated with what used to be an alien hierarchy and with a system of nepotism and mismanagement which no one now dared to defend. There was the impression, only too prevalent, that religious zeal, piety, and spirituality were mere exotics in the Church, and that wherever they were found they were the exceptions to the rule."³

¹ Dean Edwards at Swansea, *Report*, p. 354.

² *Report*, p. 364.

³ Seimon at St. Margaret's, Westminster, January 25th, 1892.

WHAT NONCONFORMITY HAS DONE FOR WALES.

It is not surprising that under the operation of such causes as have been at work in Wales, the adherents of the Church Establishment are but an insignificant minority of the population, and that practically the Welsh people are, as Mr. Gladstone has said, "a nation of Nonconformists."

It is indisputable that Wales is indebted to Nonconformity for all the best influences, religious, moral, and intellectual, which have gone to the formation of the national character. Dean Edwards speaks thus as to its religious activity and zeal : —

"Methodism, long exposed to the outrages of mobs, and to the frowns of authority, grew; for its roots were nourished by the waters that forced their way outward, when men had choked their true channels in the Church. In 1879 it has 1,134 congregations, 116,016 communicants, 275,406 hearers, and raises £164,073 5s. 4d. a year. The Welsh Congregationalists have 983 chapels, more than 180,000 adherents, and raise more than £100,000 a year. The Welsh Baptists have more than 600 chapels, and the Welsh Wesleyans are a considerable body. The number of worshippers, above ten years of age, adhering to these four bodies has been stated on good authority to be 686,220, of whom 656,000 worship in Welsh. Thus out of 1,006,100 souls who, according to Mr. Ravenstein, speak Welsh, 800,000 are attached more or less closely to the 3,000 chapels. Statistical apologists will hint that these Nonconformists exist only on paper. Paper adherents do not give money. The Welsh Nonconformists give far more than £300,000 a year."¹

Archbishop Tait, at Swansea, expressed his astonishment at the "prevalence of Dissent." "We see Dissenting chapels," he said, "in every village and on every hill-side"²; while Lord Aberdare declared that "religion would have disappeared from the country if it had not been for the exertions of the Nonconformists."³ But the best proof of what Nonconformity has done for Wales in respect to religion is the fact, first brought out by the census of 1851, that the Nonconformists provide in

¹ *Swansea Congress Report*, p. 354.

² *Ibid.*, p. 9.

³ *Ibid.*, p. 366.

their own places of worship more than enough accommodation for the whole population of the Principality. The late Bishop of Bangor bore ungrudging testimony to this fact, and declared that if all the churches connected with the Establishment in Wales were closed, the places of worship belonging to the Nonconformists would be "not only sufficient for, but in excess of, the requirements of the country."¹

Nonconformity has not only covered Wales with its places of worship, it has also provided a ministry, which, as it was the means of regenerating the people in the past, has moulded them into one of the most orderly and God-fearing populations on the face of the earth.

The Rev. J. Morgan, rector of Llanilid, Glamorgan-shire, says:—

"We doubt whether Christendom presents a more orderly, loyal, industrious, frugal, affectionate, and hospitable people than the inhabitants of Wales. We believe that seldom has religion more thoroughly penetrated the masses than in Wales, and in few countries has its practical power been better exemplified, and the peaceable fruits of righteousness more abundantly shown."²

A substantially similar testimony is borne in the Report of the Committee on Intermediate and Higher Education in Wales (1881), which says:—

"It is indisputable that Nonconformity in Wales is the outward expression of deep-seated religious convictions among the people. The Welsh, turning aside from the ecclesiastical system recognised by the State, have created their own, and maintain it at a large annual cost voluntarily incurred. They have raised their chapels everywhere, on the lonely hillside no less than in the populous town, and by this means, and through their Sunday-schools, which seem to keep a life-long hold over a large part of the population, an almost universal interest in religious questions is maintained."³

¹ "Charge," *Guardian*, Sept. 10th, 1884.

² *The Church in Wales; a Retrospect and a Defence*, p. 26. London: Rivington, 1884. Oddly enough, Mr. Morgan claims the credit of this state of things for the Church, on the ground that the Methodist leaders were at first Churchmen!

³ *Report on Intermediate and Higher Education*, p. 48.

Nonconformity has also given to Wales a national literature which has had an immense influence in shaping the character of the people. At one time the only Welsh literature there was came almost exclusively from the clergy; "now it comes," says Dean Edwards, "almost exclusively from Nonconformists"¹; and in a paper also read at Swansea, the Rev. D. Williams, rector of Llandyrnog, Denbighshire, stated that :—

"In proportion to population, Wales has twice as many periodicals as England, one and a half times as many as Scotland, and four times as many as Ireland. And if we look at the religious tone of these publications the case is still more favourable to Wales. . . . The native press is almost entirely in the hands of the Dissenters. The adherents of the Church of England in Wales stand in the same proportion to the population as her publications do to those of Nonconformity. Out of thirty-two Welsh periodicals the Church claims the significant number of four—one weekly and three monthlies,"²

Mr. Williams admits that the "numerous and well-written books" of the Welsh Nonconformists "abundantly sustain their devotional life"; but he says their periodicals and newspapers "have made the Welsh people a nation of political Dissenters;" which is only another mode of stating the undoubted fact that the Welsh people as a nation are hostile to the political establishment of the Church.

Another indication of the beneficial results of Nonconformity in Wales is the freedom of the country from serious crime. It is one of the commonest incidents of Welsh assizes that the judges have no prisoners to try; and many times the people of Wales have been complimented from the judicial bench on the excellent example they thus set to the other parts of the kingdom.

THE ECCLESIASTICAL REVENUES OF WALES.

No one can wonder that, under these circumstances, the Welsh Nonconformists strongly resent the imposition

¹ *Swansea Congress Report*, p. 355.

² *Ibid.*, p. 558.

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upon them of a costly Church Establishment. It is impossible to say with any certainty what is the value of the ecclesiastical revenues of Wales, but enough is known to show that the Establishment is a heavy, as it is a needless, burden on the country.

The amounts given in the *Clergy List* for 1892 as received by the Bishops and Cathedral dignitaries of Wales are as follows:—

Diocese.	Bishop.	Dean.	Canons Residen- tiary.	Minor Canons, &c.	Total.
	£	£	£	£	£
Bangor	4,200	700	1,400	300	6,600
St. Asaph	4,200	700	1,400	800	7,100
St. David's	4,500	700	1,400	600	7,200
Llandaff	4,200	700	1,400	300	6,600
					27,500

This total is, however, altogether misleading as to the amount of the episcopal and capitular revenues of Wales. Unfortunately the recent Parliamentary return on Church revenues gives practically no information on the subject; the income derived from the estates of the Welsh bishops and cathedral bodies being now mainly received by the Ecclesiastical Commissioners and merged in their general receipts. But by means of the *Tithe* return of 1887,¹ and the *Return of the Owners of Land*, 1873, it is possible to get approximately at the value of those estates.

THE EPISCOPAL AND CAPITULAR ESTATES.

The *Tithe* return gives the value of the tithes of which the Welsh bishops and cathedral bodies (includ-

¹ *Parly. Paper* 214, Sess. 1887. *Parly. Paper* C 1097, Sess. 1873.

ing the prebendaries) are stated to be the "owners" as follows:—

Diocese.			Bishop.	Cath. Body.	Total.
			£	£	£
Bangor ...	...	...	5,295	2,096	7,391
St. Asaph ...	...	...	8,013	6,827	14,840
St. David's ...	...	...	5,338	15,503	20,841
Llandaff ...	...	...	...	9,064	9,064
					52,136

The Return of the owners of land shows that the bishops and cathedral bodies of Wales own land in Wales yielding a "gross estimated rental" as follows:—

Diocese.			Bishop.	Cath. Body.	Total.
			£	£	£
Bangor ...	...	..	957	428	1,385
St. Asaph ...	...	..	854	31	885
St. David's ...	...	...	4,824	852	5,676
Llandaff ...	...	...	274	4,262	1,536
					9,482

It thus appears that from tithes and land alone the estates of the Welsh dignitaries yield an annual income of £61,618; and if to this is added the revenue from other sources, and the direct receipts of the Ecclesiastical Commission (tithe, £2,500, and land, £13,000, largely arising from suspended cathedral livings), the total value of these estates cannot be less than £80,000 a year.¹

¹ In 1836 the Act 6 & 7, Will. IV. c. 77, provided for the union of the sees of Bangor and St. Asaph and the suppression of the former; but the scheme was strongly opposed in Wales and never carried out. Lord Selborne (*Defence*, p. 175) refers to the fact as evidence that the Church in Wales was not unpopular. The fact is, that what the Welsh people objected to was the appropriation of some £10,000 of the episcopal revenues of Wales to founding the new sees of Manchester and Ripon. In the language of Mr. Arthur Johnes (*Letter to Lord John Russell*, 1836, p. 22) they indignantly protested against the proposal "to dedicate the scanty produce of the bleak rocks of North Wales, to maintain the episcopal dignity in the manufacturing districts of England, which are literally gorged with wealth."

In view of these facts it is astonishing to find Lord Selborne stating that—

“The endowments of the Welsh bishoprics and capitular bodies are, to a large extent, supplied, not from Welsh, but from English funds, under the administration of the Ecclesiastical Commission.”¹

The truth is, so far as can be gathered from the sources of information available to the public, the episcopal and capitular estates of Wales are more than adequate to the support of the Welsh dignitaries without any resort to “English funds”; although some English dignitaries have not objected, it seems, to receive large portions of their stipends from Welsh funds.

The facts on this point are set forth in the Tithe return of 1887; which gives the undermentioned English dignitaries as “owners” of Welsh tithes, as follows:—

	£	s.	d.
Bishop of Lincoln	400	9	0
„ „ Chester	768	3	4
„ „ Lichfield	1,266	10	0
„ „ Gloucester	1,215	3	3½
Dean and Chapter of Gloucester	2,947	13	2
„ „ Bristol	811	9	0
„ „ Windsor	1,324	0	6
„ „ Winchester	2,404	13	0
„ „ Worcester	1,330	10	0
„ „ Oxford	2,512	7	8
	<hr/>		
	£15,480	18	11½

No indication is given in the return from which these facts are taken that this appropriation of Welsh tithes to the support of Church dignitaries in England is not still continued; but it is possible that the Ecclesiastical Commissioners may, in recent years, have to some extent corrected so obvious an abuse.

PAROCHIAL ENDOWMENTS.

The Church property return of 1891 sets forth the revenues of the parochial benefices in great detail, and

¹ *Defence*, p. 350.

the following table, condensed from that given in the return shows the nature and amount of these revenues for Wales and Monmouth.¹

No. of Benefices.	Counties.	Tithes.	Lands.	Houses, Ground-rents, &c.	Payments by E. C and Q. A. B.	Dividends.
		£	£	£	£	£
46	Anglesea ...	14,364	1,354	244	348	33
70	Brecon ...	13,116	2,944	334	1,741	68
66	Cardigan ..	6,812	3,862	222	2,040	129
83	Cardmarthen ...	8,327	4,789	446	1,469	189
61	Carmarvon ...	13,302	1,821	508	1,242	174
83	Denbigh ..	23,353	2,181	945	358	160
50	Flint ...	15,911	1,192	419	518	125
136	Glamorgan ...	18,628	4,739	1,566	2,350	189
40	Merioneth ..	8,034	659	70	932	200
61	Montgomery ...	16,809	1,643	733	597	119
118	Pembroke ...	17,502	6,127	413	1,824	46
42	Radnor ...	7,003	1,416	237	1,049	45
131	Monmouth ...	19,750	6,494	1,144	1,435	352
		182,911	39,161	7,281	15,903	1,829

This gives a total of £247,085 as the income of the Welsh benefices from their permanent endowments. But, in addition, the Welsh incumbents also have a portion of £597,000, paid to the incumbents of England and Wales by the Ecclesiastical Commissioners out of their Common Fund.

The Welsh benefices are generally poor; the average value being about £250. But the number of people connected with the Establishment in many parts is so

¹ Along the Welsh border some few English parishes are wholly or partially included in Welsh dioceses, and some Welsh parishes in English dioceses, the whole number of these parishes being 14. The whole county of Monmouthshire, nominally English, but really Welsh, is included in the diocese of Llandaff.

small that the disproportion between clerical pay and any possible amount of clerical work is almost as great a scandal as anything that existed in the Irish Church before its disestablishment. The following are some illustrations of this state of things from the diocese of St. Asaph alone, with respect to clerical incomes of £300 and upwards in comparatively small places. The facts are taken from the *Clergy List* for 1892.

Benefice.	Value.	Pop.	Benefice.	Value.	Pop.
Bangor, Denbigh	£700 ...	1,099	Llandyrnog ...	£700 ...	475
Bylchau ...	310 ...	467	Llandysilio ...	370 ...	586
Castle Caereinion	620 ...	594	Llanfechan ...	485 ...	581
Clocaenog ...	315 ...	421	Llangernieu ...	300 ...	462
Erbistock ...	302 ...	291	Llanddulas ...	300 ...	597
Gorsedd ...	300 ...	750	Llangynieu ...	350 ...	373
Gyflylliog ...	300 ...	550	Llangynhafal ...	370 ...	404
Llanarmon ...	328 ...	628	Llanilian ...	300 ...	481
Llanbedr ...	310 ...	369	Llanrhaiadr ...	503 ...	790
Llandrillo ...	360 ...	767	Marchwiell ...	550 ...	564
Llandrinio ...	442 ...	614	Worthenbury ...	400 ...	446

Remembering that the Church population in such places as the above is rarely more than one in five or six, and often not more than one in ten of the total number, the injustice involved in such cases is obvious.

THE DEMAND FOR DISESTABLISHMENT.

Nowhere are Church establishments more strongly condemned on principle, and as contrary to the teaching of Scripture, than in Wales; but the feeling there is that fair-minded men who may have no objection to Establishments on these grounds will yet recognise the justice of the claim for disestablishment in Wales arising out of the special circumstances of the case.

This is the ground taken by Mr. Gladstone. In 1870, he opposed a motion for disestablishment in Wales; but he did not say a word in defence of the Establishment on its merits. On the contrary, he admitted that it had been marked by "gross neglect, corruption, nepotism, plunder," and he spoke of the small number of its adherents as being

“very remarkable in the case of a Church purporting to be the Church of the nation,” and especially, he said, seeing that “so large a proportion of them belong to the upper classes of the community—the classes who are most able to provide themselves with the ministrations of religion—and in whose special and peculiar interest it is, therefore, most difficult to make any effectual appeal for public resources and support.”¹ In 1891, Mr. Gladstone for the first time supported a motion for disestablishment; and he condemned the Establishment as “the Church of the few against the Church of the many;” as “the Church of the rich against the Church of the comparatively poor;” and on the ground that the Welsh people had decisively “given their judgment” against it.² The three points thus urged by Mr. Gladstone fairly summarise the main arguments against the continued existence of the Establishment in Wales, and abundantly justify the demand for disestablishment.

“*The Church of the few against the Church of the many.*”—It is not disputed that the Church in Wales has the allegiance of but a minority of the population, and the evidence is conclusive that that minority is a small one. The great numerical preponderance of Dissent in Wales was first made generally known by the religious census of 1851. The population of Wales, including Monmouth, at that time was 1,188,914; and the places of worship with their sitting accommodation, provided by the Establishment and the Free Churches respectively, were (including estimates for defective returns) as follows:—

				Places of Worship.	Sittings.
Established Church	...	...	...	1,180	301,807
Free Churches	...	...	...	2,826	692,339

It will thus be seen that, of the whole amount of accommodation for public worship in Wales in 1851, the Free Churches provided 70 per cent., while the Establishment provided only 30 per cent.! It will also be seen

¹ *Speech*, May 24th, 1870.

² *Speech*, Feb. 30th, 1891.

that, as only 58 per cent. of the population can attend religious services at the same time, in providing 692,339 sittings for a total population of 1,188,914, the Free Churches provided more than sufficient accommodation for the entire population of the country.

The figures as to actual attendance in 1851 are equally remarkable. Mr. Mann estimates that the total number of persons attending worship on the census Sunday was 611,821; and that of these the Established Church had only 138,719, or 22 per cent.; while the Free Churches had 473,102, or 78 per cent.

In the absence of any official evidence as to the relative position of Church and Dissent in Wales since 1851, it is impossible to speak on the subject with any certainty. It is well known that many new churches have been built and endowed, and there can be no doubt that much activity and zeal have been displayed by many of the parochial clergy; but it may be doubted whether the Establishment has much, if at all, improved its position relatively to that of the Nonconformist bodies. Dean Edwards says: "the Church has made material progress of late. Churches, parsonages, schools, have been built; but," he adds, "how many of the churches are empty?"¹

In so far as can be ascertained from various recent newspaper censuses the numerical predominance of the Free Churches is still everywhere decisive. The actual position is thus indicated by Sir G. Osborne Morgan:—

"A traveller," he says, "has only to leave the fashionable watering-places on the coast, which are really English colonies, or the beaten track in which, in summer and autumn at least, the tourists, or those who cater for their pleasure, almost outnumber the inhabitants, and strike across the country to see for himself how the land lies. He will find the solitary parish church, if not actually deserted, comparatively empty, while the numerous Nonconformist chapels are crowded to suffocation."²

¹ *Swansea Congress Report*, p. 357.

² *Nineteenth Century*, Oct., 1886.

In a passage already quoted the Rev. D. Williams, the rector of Llandyrnog, admits that the Welsh people are "*a nation of Dissenters*"; and Archdeacon Howell bears a substantially similar testimony. He says:—

"There was the unquestionable fact that the majority of the people were not found within the pale of the Church. There was the equally unquestionable fact that her adherents were largely made up of English settlers and Anglicised Welshmen—not of the Welsh-speaking masses, who held the future of the Principality in their hands. . . . The weakness of the Church in Wales is due to the fact that so much of the best blood of the nation no longer ran in her veins. It was sheer folly to hide from themselves the truth that the most vigorous life of the Welsh people no longer welled forth from the heart of the Welsh Church. What was the exact proportion of the people to be found within and without the Church was a matter of secondary importance. Far more important was the fact that so large a portion of the vigour and enthusiasm of the Welsh people was in full activity outside the Church. And it must not be forgotten that the majority outside the Church were not passive or indifferent, but were banded together for the disestablishment and disendowment of the Church. They were men of unquestionable religious character, whose lives bore witness to their piety and sincerity."¹

"*The Church of the rich against the Church of the comparatively poor.*"—It is well known that the landlords of Wales, and a very large majority of the propertied classes generally, are Churchmen, and that the great mass of the people are comparatively poor. The influence of wealth and social prestige is thus on the side of the Establishment; and it has been used to check and repress Nonconformity, and to support the privileged Church.

This crusade against Nonconformity has taken the double form of social pressure and religious proselytism, and the clergy have, to a large extent, been its willing instruments. Mr. Henry Richard, who was one of the truest friends of Wales and intimately acquainted with the condition of the country, has described with what ruthless severity the Nonconformists have been treated. He says:—

"The ruin of tradesmen by withdrawal of custom, the expulsion of

¹ Sermon at St. Margaret's, Westminster, Jan. 26th, 1890.

some tenants from their holdings, the exaction from others of increased and exorbitant rents, the worrying out of the lives of others by long suspended threats of some terrible retribution that is coming upon them, the withdrawal from religious bodies of sites on which to build schools and places of worship, and, in some instances, the actual confiscation and sale of chapels built with public [subscribed] money, these, and such as these, are the practices to which Welsh landlords do not scruple to have recourse, in order to coerce the consciences of their neighbours."¹

In more recent years, while social pressure in many forms has still been brought to bear on Welsh Nonconformists, a widespread system of religious proselytism has been set at work, with the view of detaching the people from the faith of their fathers and weakening that Nonconformity which has been the salvation of the country. The supporters of the Establishment openly boast of the "progress" they are thus making. But in the estimation of all fair-minded men, such progress does dishonour to the Church, as it certainly excites the indignation of the Welsh people, who have been driven by it into a position of settled hostility to the Establishment, and a resolute determination to bring it to an end.

Condemned by the Welsh people.—The third count in Mr. Gladstone's indictment of the Establishment in Wales is, that the Welsh people have decisively given their judgment against it. They have done this in almost every way in which it was possible for them to do so. With the exception of the Roman Catholics there is hardly a religious body in Wales, outside the privileged church itself, which has not in its annual and other assemblies protested against the continued existence of the Establishment and demanded its removal. The Establishment has thus not only failed to win the support of the people, but has raised against itself a feeling of deep and widespread animosity, and throughout the Principality there is now a passionate enthusiasm for disestablishment.

The best and most unequivocal evidence of this feeling is the character of the Welsh representation. Wales and Monmouthshire send thirty-four members to the House

¹ *Letters and Essays on Wales*, p. 98.

of Commons; and ever since 1880 the great majority of these members have been pledged to disestablishment as the first article of their political creed, and that majority has steadily increased. In the General Election of 1892 thirty-one out of the thirty-four members returned were thus pledged to Disestablishment. A motion for separate disestablishment in Wales was first submitted to the House of Commons in 1870, and it was then supported by only seven Welsh members. Since then there have been five divisions on the same subject, with the following results ("pairs" as well as votes being included):—

WELSH MEMBERS AND DISESTABLISHMENT.

				For.	Against.
1886 (March 9th)	...	...	...	27	5
1889 (May 14th) ...	...	...	...	28	6
1891 (February 20th)	...	...	...	29	4
1892 (February 23rd)	...	...	...	27	5
1893 (February 23rd)	...	...	...	3 ¹	3

The division of 1893 was on the motion for the introduction of the Suspensory Bill for Wales; which Mr. Gladstone described as a "disestablishing Bill in principle," and as "supplying the best proof of the intention of the Liberal Government to go steadily and boldly forward toward the completion of the task which they had set themselves"; and yet out of the whole 34 members for Wales and Monmouthshire only 3 resisted the motion, while 31 voted in its favour. "An Established Church," says the *Edinburgh Review*, "cannot remain established unless it is accepted as such by the great mass of the people."¹ But here is a case in which the great mass of the people repudiate and condemn the Establishment, and, as Mr. Gladstone says, by "a majority constitutionally, lawfully, peacefully, and repeatedly returned to Parliament," demand its removal. This deliberate and repeated expression of the will of the Welsh people may be disregarded and set aside for a time, but it is impossible to continue so to disregard it without doing violence to the first principles of representative government.

¹ *Edinburgh Review*, July, 1893.

CHAPTER XI.

SCOTTISH DISESTABLISHMENT.

IN Scotland, as in Wales, the demand for disestablishment is largely based on the special circumstances of the case. The arguments against the Establishment system which apply elsewhere apply also in Scotland, and are constantly urged by the advocates of religious equality. But the whole situation in Scotland is so widely different from what it is in England and Wales as to bring into view important considerations which do not arise elsewhere, and to give to the Scottish claim for justice a special and peculiar force.

PECULIARITY OF THE SCOTTISH CASE.

The peculiarity of the situation in Scotland is that the great mass of the population belong practically to one religious body, and that one section only of that body enjoys the patronage and receives the support of the State.

There are substantially the same denominational divisions north of the Tweed as there are south of it, but the numerical proportions of the different religious bodies are very dissimilar. The Episcopal Church of Scotland, which is the northern representative of the Established Church in England, while socially important, is numerically an insignificant sect, including but a fraction of the population. So, also, the Baptists, Congregationalists, Methodists, and Roman Catholics, which in England are considerable bodies, in Scotland, are numerically unimportant. It is estimated that all these bodies, together with the still smaller denominations, constitute only about one-fifth of the population; while the other four-fifths are assumed to be more or less closely attached to the Presbyterian form of worship and Church government.

But while the great body of the Scottish people are thus adherents of the same religious body, they are yet broken up into three separate Churches—the Established Church, the Free Church of Scotland, and the United Presbyterian Church—which differ from one another in nothing but this, that the first is established by law and supported by public property. It is difficult in England to realise so peculiar a position. If the three parties included in the English Establishment were more equal in number than they are, and were less opposed to each other in principle, the parallel to the Scottish case would be that one of those parties should be established and endowed by the State, while the other two were wholly left to the voluntary support of their own members, and regarded by the law as Dissenters. Had this really been the case in England, it is very certain that it would have proved intolerable to many Churchmen, and the Establishment would long since have been swept away. It is not surprising, therefore, that in Scotland, where such an anomalous state of things does actually exist, the non-Established Presbyterian Churches, with other religious bodies, are almost unanimous in their demand that the injustice shall be brought to an end, by the disestablishment and disendowment of the privileged section of the Presbyterian body.

THE THREE PRESBYTERIAN CHURCHES.

The Established Church of Scotland, like that of England, dates from the Reformation. But the Reformation in Scotland differed from that in England, in being from the first a popular movement, moulded, not by the sovereign, but by the people themselves, under their great leader John Knox; and, on that account, it was far more thorough than in England.

In 1560 the Scottish Parliament abrogated and annulled the Papal authority, and it also approved and ratified the new Confession of Faith presented for its acceptance by the Reformers. In 1567 Presbyterianism was formally recognised as “the only true and holy Kirk of Jesus Christ in the realm,” and its ministers were allowed

about a third of the former revenues of the Roman Catholic Church. But it was a time of turmoil and trouble, and a long period, with many changes, intervened before the new form of faith, worship, and Church government was finally settled as the national religion of the Scottish people. The authorities of the Scottish Establishment, in a statement issued in its support, plead that—

“The Church of Scotland was established in its present form in 1592. In 1690 it was in like manner re-established under the Revolution Settlement. In 1707 its doctrines, worship, and government were embodied in the Articles of Union, and each sovereign of Great Britain and Ireland at his or her accession swears to inviolably maintain and preserve the foresaid settlement of the true Protestant religion, with the government, discipline, rights, and privileges of this Church, as above established.”

But the Scottish Establishment, as constituted by the Act of 1592, embodied the two contradictory principles of freedom and State-control; and this has led to repeated conflicts between the Church and the civil power, and been the real cause of the present divisions of the Presbyterian body in Scotland.

The Presbyterian form of Church government is an essentially popular form; the lay element in all the Church courts equalling or outnumbering the clerical; and as the people also elect the ministers, they have a preponderating voice in the management of the Church's affairs. But with this popular control was combined the fatal element of patronage; the Act of 1592 concluding with the words—“Providing the aforesaid Presbyteries shall be bound and astrictit to receive and admit whatsoever qualified minister is presented by his Majesty or other laic patrons.”¹

The result of this was that, while the congregations were required to hear and approve a minister before he was appointed, they had no power, except in extreme cases, to prevent his appointment if they disapproved. In the Church of England, where the laity have never had any voice or authority in the management of Church affairs, this restriction on the powers of congregations has never

¹ Lord Moncreiff, in *Church and State in Scotland*, 1878.

excited any large amount of popular discontent. But it was far otherwise in Scotland; where the "intrusion" of ministers, presented by the patrons, but disapproved by the people, and yet forced on their acceptance by the courts of law, has, in combination with other restrictions on the freedom of the Church, not only broken up the unity of the Presbyterian body, but has indirectly given rise to the present widespread demand for disestablishment. It was largely as the result of patronage that the early secessions from the Establishment took place; and in 1843, mainly from the same cause, the Established Church was rent asunder by the memorable event, fitly termed the "disruption," when nearly half its ministers and a still larger proportion of its lay members left the Establishment and founded the Free Church of Scotland.

The United Presbyterian Church was formed by the union, in 1847, of two bodies which seceded from the Establishment—the one in 1733 and the other in 1752.

Neither of these bodies left the Established Church from any doubt as to the justice or Scriptural authority of Church establishments; but they had not long been in their new position of self-supported and self-governed Churches before their views on this question became greatly modified. Long before the formation of the United Presbyterian Church, they had become convinced of the impropriety of the Establishment system; and, in the early part of the century, their leaders, in connection with those of the Congregational and other Churches, carried on what was known throughout Scotland as the "voluntary controversy." In the course of that discussion the whole question of Church establishments, and especially its religious aspects, was discussed with great fulness and ability, and, as a result, the mind of the Scottish people was largely permeated with ideas and principles hostile to the existence of Church establishments. In later days, the United Presbyterian Church has steadfastly maintained these principles, and has taken the lead in pressing the demand for disestablishment, on the broad ground of principle, justice, and the common interests of the whole Christian community.

The Free Church of Scotland.—In the ten years' conflict that preceded the disruption, the leaders of the Evangelical party in the Establishment appealed in vain to the law courts and to Parliament in support of their claim for relief from patronage, and for freedom in respect to the internal and spiritual affairs of the Church. But on both points the decisions went against them; and, in their final appeal to the House of Lords, their claim was rejected almost with contumely. "It is fit," said Lord Brougham, "that these men at length learn the lesson of obedience to the tribunals which have been appointed over them: a lesson which all others have long acquired." And this lesson of obedience, Lord Campbell insisted could not be evaded by those who "continue members of the Establishment; for," he said, "while the appellants remain members of the Establishment they are, in addition to their sacred character, public functionaries appointed and paid by the State, and they must perform the duties which the law of the land imposes on them. It is only a voluntary body, self-founded and self-supported, that can say that they will be entirely governed by their own rules." With no hope thus left of being able, within the Establishment, to obtain the freedom they deemed essential for the Church, the Evangelical party, abandoning everything for conscience, came out from the Establishment and founded the Free Church.¹

But their great leader, Dr. Chalmers, although he left the Establishment, still held to the establishment principle; as also, no doubt, did the great majority of the party. The wonderful progress of the Free Church, however, and the splendid example it soon furnished of the needlessness of a Church establishment, speedily weaned its members, ministers and laymen alike, from their old views; while the action of the leaders of the Establishment greatly aided their conversion.

In 1874, when Mr. Disraeli's Government were, as they supposed, strengthening the English Establishment by passing the Public Worship Regulation Act "to put down Ritualism," a Patronage Abolition Act (37 & 38 Vict. c. 82)

¹ See *ante*, p. 8.

was also passed for Scotland. It was then wholly uncalled for, and was clearly intended to strengthen the Establishment by luring back members of the other two Presbyterian Churches, and especially those of the Free Church. This purpose was so obvious that the Act became known as the "Sheep-stealing Act." It had, however, an exactly opposite effect to that which its authors designed and expected. It raised the resentment of Free-Churchmen, and, combined with other considerations, led them to take up a more pronounced position in favour of disestablishment. The result is that the Free Church has now almost entirely fallen into line with the United Presbyterian Church, and the Scotch and English Nonconformist Churches, in the determination to put an end to the whole Establishment system.

RELATIVE POSITIONS.

The only official statistics as to the relative numerical strength of the Established and the non-Established Churches respectively are those of the Religious Census of 1851, which gave the following results :—

Religious Denomination.	Places of Worship and Sitzings.		Attendants on Sunday, March 30th, 1851.		
	Places of Worship	Sittings.	Morning.	Afternoon.	Evening.
Established Church...	1,183	767,088	351,454	184,192	30,763
United Presbyterian Church	465	288,100	159,191	146,411	30,810
Free Church	889	495,335	292,308	198,583	64,811
Other Churches... ..	858	284,222	140,998	90,677	62,490
Total	3,395	1,834,805	943,951	619,863	188,874

These figures show that in 1851 the Scottish Establishment, in respect both to provision for public worship and attendants, was outnumbered by the other two

Presbyterian Churches ; and that, with respect to the total attendants at public worship, it was in a minority of little more than one-third.

The newspaper religious census of 1881-82 gave a substantially similar result. On that occasion the statistics of attendance at public worship were published for forty-three towns and districts,¹ embracing a population of 1,621,844, or nearly one-half of the total population of Scotland at the time, and the result was as follows :—

Religious Denomination.					Attendants.
Established Church	..	..	..	..	79,631
Free Church	..	..	..	..	71,618
United Presbyterians	..	..	..	..	49,218
Other churches	..	..	..	..	63,107
Total					<hr/> 263,574 <hr/>

The Established Church now claims that it has a membership of 604,897, and that it has three times as many adherents as Church members ; so that the total number of people connected with the Establishment would thus be 1,814,691. But the population of Scotland is 4,033,105, and, therefore, according to its own showing, the Establishment is in a decided minority of the population.

There is good reason, however, for doubting the accuracy of the claim put forth as to membership of the Established Church, and, therefore, as to the assumed number of its adherents. In a census taken in 1892 at Dundee,² where the Establishment claims to have 17,717 members, only 6,194 were present at church on the census Sunday ; while the Free Church, which claims 9,369 members, had an attendance of 5,777, and the Free Church and the United

¹ The places included in this census were Arbroath, Ardrossan and Saltcoats, Ayr, Berwickshire, Blairgowrie, Brechin, Broughty Ferry, Burntisland, Bute, Cupar Angus, Cupar Fife, Dundee, Dundonald, Dunse, Dysart, Edinburgh, Forfar, Galashiels, Glasgow, Greenock, Hawick, Helensburgh, Inverness, Irvine and Dregghorn, Kilmarnock, Kilmarnock (District), Kilwinning, Kinghorn, Kirkealdy, Kirriemuir, Leith, Melrose, Montrose, Newport, Paisley, Perth, Row, Rosneath, St. Andrews, Stewarton, and Troon.

² By the *Dundee Advertiser*.

Presbyterian Church together had an attendance of 3,000 more than the Established Church. In another census taken at Aberdeen,¹ where the Establishment claims 21,705 members, its attendance was only 10,202; while the Free Church, claiming 11,563 members, had an attendance of 9,125; and the attendance at all the Nonconformist places of worship together was over 7,000 more than in the churches of the Establishment.

The Establishment in the great towns.—The position of affairs in the large towns of Scotland generally is much the same as in these two cases. In the twenty-nine largest towns, with a population of 2,000,000, the Establishment provides one church to every 7,000 of the population; while the other Churches provide a church for every 2,000 of the population. But even that puts the case too favourably for the Establishment; for if the churches belonging to the Establishment which have been built and are wholly sustained by voluntary contributions were classed, as they ought for the purpose of the argument, with the non-established churches, the position would then be that in these twenty-nine largest towns of Scotland State-Churchism provides one church for every 20,000 of the population, while Voluntaryism provides one church for every 1,700 of the population.

The Establishment in the Highlands.—But the case of the Highlands brings out most clearly the gross injustice involved in the position of the Establishment in Scotland.

At the disruption in 1843, almost the entire population of the Highland counties came out from the privileged Church and joined the Free Church of Scotland, to which they are still attached. But, although the churches of the Establishment lost the people, they still retain possession of the public endowments. The position of affairs in many of these Highland parishes may be judged by the following table, which gives the number of “communicants” or Church members from the latest returns of the Established Church itself:—

¹ By the *Aberdeen Free Press*.

Highland Parishes.	Population.	Communicant
Knock	3,424	1
Hallin-in-Waternish	877	5
Shieldaig	1,238	7
Poolewe	2,110	9
Kinlochbervie	898	4
Stoer	1,281	14
Carnock	249	3
Bernera	504	0
Berriedale	1,113	10
Strathy	1,669	7
Cross	2,907	5
Stensholl	1,261	3

In these cases, out of a total population of 17,531, the entire membership that is even claimed by the Established Church is only 63. In the Highland parishes generally, while the Free Church provides at its own cost for the spiritual wants of almost the entire population, the State annually pays away £40,000 of public money for the support of ministers who have practically no congregations, and whose services, therefore, are not needed. Nothing more flagrantly unjust than this could have been found even in the Irish Establishment.

REVENUES OF THE ESTABLISHMENT.

The public property annually appropriated to the maintenance of the Scottish Establishment is as follows:—

Income from public sources.	Amount.
Tiends, or Tithes	£243,302
Ditto, for Communion elements	5,117
Burgh and other local funds	23,502
Grants from the Exchequer	16,300
Church and Manse Rates (average for ten years) ...	42,082
Annual value of Manse	24,733
Ditto Glebes	24,681
Other receipts (about)	3,000
	£380,017

In addition to the amount mentioned as coming from tithes, there are also what are known as "unexhausted tiends," of the annual value of about £136,000, which are, in part at any rate, public property.¹

The annual value of manse is included in the foregoing table; because, unlike the English parsonage-houses, they have been for the most part built out of the rates.

The church and manse rates being thus appropriated, not only to the building and repair of churches, but also to providing and keeping in repair the residences of the established clergy, the impost is much more obnoxious than was the now abolished compulsory church rate in England; and by the seizure and sale of goods to which it leads in cases of refusal to pay, gives rise at times to scandals which bring great discredit on the name of religion.

STATE-SUPPORT AND VOLUNTARYISM COMPARED.

The advocates of disestablishment insist that this appropriation of public property is not only unjust, but wholly unnecessary. The facts of the case demonstrate that in Scotland, as everywhere else, Christian Churches are not only able to sustain themselves and carry on their work without the assistance of public funds, but that such assistance rather injures than helps the cause of religion.

There are 925 churches connected with the Scottish Establishment which participate in the State-endowments. But the Free Church alone sustains, at its own expense, 1,038 churches doing a precisely similar work in all parts of the country. The whole number of churches connected

¹ The explanation is, that at the Reformation a large proportion, both of the landed estates and the tithes, which previously belonged to the Roman Catholic Church, was annexed to the Crown, and by the Crown granted to various laymen. It was provided, however, that the clergy were to be paid out of the tithes; and, in some cases, the whole amount of the tithe of the parish is now appropriated to their support. In other cases there is a balance still in the hands of the landowners, and it is these balances which constitute the "unexhausted tiends." But they are held by the landowners subject to the right of the clergy to come upon them for "augmentation of stipend" not oftener than once in twenty years, on application to the Tiend Court.

with the Establishment is 1,597. But the Free Church and the United Presbyterian Church together have 1,652 churches; while other denominations have 981 churches; making a total of 2,633 churches against little more than half that number maintained by the State-aided Church.

Another suggestive fact is, that the Free and United Presbyterian Churches together have 51,000 more children in their Sunday-schools than there are in those of the Established Church. Again, those Churches have 90,937 members of their Bible and senior classes, against only 41,922 in those of the Establishment.

The contributions of the three sections of the Presbyterian body to foreign missions afford another indication of the same kind. The Established Church is the Church of the rich, although it claims to be the Church of the poor. But its contributions to foreign missions in 1893 amounted to only £45,000, while those of the Free Church alone were £108,000, and those of the United Presbyterian Church £56,000. The rich State-aided Church thus gave little more than one-fourth of the joint amount contributed by the other two Presbyterian Churches; which yet have all the expense of their home work to sustain out of their own resources. It is often urged as an argument against disestablishment that, if the Established Churches were wholly thrown upon their own resources, they would be unable to give as they now do for foreign missions and other religious purposes. But the above facts negative that assumption; and it is directly disproved by the experience of the Irish Church, which, since its disestablishment, has largely increased its contributions to foreign missions.¹ The supporters of missions in the Scottish Establishment appear to realise the weakness of their case in this respect; for, in their own *Mission Record*

¹ In the *Church Times* of November 3rd, 1893, it is stated by Canon Jellett, of Dublin, that the amount contributed by the members of the Church of Ireland for foreign missions in the year 1870 was £13,969, while the amount for 1892 was £16,857. Dr. Peacock, Secretary of the Hibernian Church Missionary Society, adds that the contributions to that society "for the ten years immediately preceding disestablishment—1860 to 1869—amounted to £62,385; and for the ten years, from 1883 to 1893, to £83,325."

they describe the position of the Established Church in regard to foreign missions as "humiliating."

THE POOR AND THE VILLAGE POPULATIONS.

It is asserted that the Established Church is in a special sense the Church of the poor, and that in the absence of an Establishment the spiritual interests of the poor would greatly suffer.

But this is a wholly misleading view. All the Churches in Scotland alike make provision for the spiritual needs of the poor, and the Establishment, so far from having a monopoly of interest in them, has failed to discharge even its legal obligations in their behalf. Recent investigations, indeed, have proved that, since 1846, the Established Church, all over the country, has appropriated money to its own use which in law clearly belongs to the poor. This money is derived from the church-door collections in parish churches; and to the extent of £665,000 it has been withheld from the poor, and flagrantly misappropriated.¹

It is urged, again, that there are a number of rural parishes which would be left without any church if the Establishment ceased to exist. But this statement also is misleading in its effect, and is based on an incredible assumption.

It is misleading, because among these village populations there are many places of worship connected with the Free Church and the United Presbyterian Church, which are so situated as to be conveniently available for several small parishes; although there is not a separate church for each of them. And this is the case to so great an extent that, even if all the places of worship connected with the Establishment in these villages were closed, there would still be ample provision for the religious needs of the people, excepting in a few localities, for which the Christian Church, as a whole, in Scotland may well be trusted adequately to care.

¹ *The Scottish Church question and the rights of the Poor.* "Dis-establishment Council," Edinburgh, 1891.

But will the Established Church desert these villages and close its places of worship as soon as it ceases to be supported by public property? That is the assumption involved in the plea; but it is really incredible, and is dishonouring to the Church in whose supposed interests it is made. When disestablishment comes, it may well be that the now privileged Church will have to modify its organisation and diminish its expenditure in some of these parishes; but that it should really desert them and close its churches is out of the question.

The same suggestion as to closed churches is urged as an argument against disestablishment in England and Wales, and it was also urged in Ireland. But the Archbishop of Dublin has recently stated that although since disestablishment the Irish Church has had to group two or more churches under one minister in remote and thinly-populated parishes, yet "there is no single parish, however remote, which has been left without the means of grace."¹

PRESBYTERIAN REUNION AND COMPROMISE.

In recent years, as the conviction has spread and deepened that the existing ecclesiastical arrangements in Scotland cannot be perpetuated, efforts have been made to effect a compromise on the question of disestablishment, on the basis of the concurrent endowment of the three sections of the Presbyterian body.

No definite scheme has been proposed; but the idea is that, instead of putting an end to the Establishment and appropriating its public property to national purposes, it should be reconstructed, so as to include the three Presbyterian Churches, which, in some way, are then to share the endowments between them. The proposal has come as a sort of counsel of despair from some of the adherents of the Establishment, and from a few others outside of it, who still cling to the establishment principle; but it has had no cordial reception in any quarter.

¹ *Western Mail*, November 3rd, 1892. At the Birmingham Church Congress, October, 1893, the Right Hon. R. Warren, one of the Irish Judges, stated that the Irish Church still has "an excessive number of small parishes," and that it would be "an advantage to the Church" to diminish their number. See also p. 245.

The truth is, the time is past and gone for any such proposal. There is, no doubt, a strong desire, widely felt, for a reunion of the Presbyterian Churches, but the feeling is still more general that reunion never can be effected on the basis of establishment. It would not only be grossly unjust to the other religious bodies, but it could not possibly form a final settlement. The United Presbyterian Church is now almost unanimously opposed to State-aid to religion in any form, and would have nothing whatever to do with any reconstructed Establishment. It is much the same with the Free Church, which at the meetings of its General Assembly has repeatedly had, in one or another form, to discuss the question of reconstruction as an alternative to disestablishment, and its decisions have uniformly been such as to show that the overwhelming majority of the Free Church is immovable in its approval of the policy of disestablishment. The Assembly is composed of ministers and laymen, in about equal numbers, and the following table shows the result of the divisions which have taken place on the subject in recent years:—

THE FREE CHURCH GENERAL ASSEMBLY AND
DISESTABLISHMENT.

	For		Against		Total Vote.	Majority for Disestablt.
	Ministers.	Elders.	Ministers.	Elders.		
1878	225	179	79	55	538	270
1888	259	209	57	43	549	388
1891	285	188	36	52	561	385
1892	210	95	21	34	360	250
1893	217	149	35	46	497	335

It is obvious that, with the state of opinion in the Free Church, which these divisions display, any scheme of Presbyterian reunion based upon the continued maintenance of the Establishment is hopelessly out of the question, and that the only possibility of such reunion lies in the opposite direction. The more the question is

considered, indeed, the more clearly it will appear that the Establishment is the one great difficulty in the way of reunion, and that once it is out of the way, and the animosities to which it gives rise have abated, there will practically be nothing to prevent the attainment of an object, which is eagerly desired by the great body of the Scottish people.

DISESTABLISHMENT ESSENTIAL AND INEVITABLE.

The position of affairs in Scotland now renders disestablishment both essential and inevitable. It is essential in the interest of religious peace and concord, which never can be restored until all religious bodies stand on the common platform of equality before the law; and it is inevitable, in consequence of the steady growth of political feeling in its favour.

The political opinion of Scotland has always been predominantly Liberal; and for many years past Scottish Liberalism has been definitely committed to the policy of disestablishment. In 1877 Lord Hartington (now Duke of Devonshire), then the leader of the Liberal party, recognising that fact, said :—

“Whenever Scotch opinion, or even Scotch Liberal opinion, is fully formed on this subject, I think I may venture to say on behalf of the Liberal party, as a whole, that they will be prepared to deal with the question.”¹

In 1889 Mr. Gladstone, speaking at St. Austell, said :—

“I am of opinion that the time has come when the sense of Scotland has been sufficiently and unequivocally declared. I shall not flinch from entering into the division lobby, and from what I have said you may be able to form a conjecture of what my vote will be.”²

In the following year Mr. Gladstone redeemed the pledge thus given, and supported Sir Charles (then Dr.) Cameron’s motion for disestablishment. The result of the division was very significant. In 1886 a similar

¹ *Speech* at Edinburgh, November 6th, 1877.

² *Speech*, June 12th, 1889

motion was rejected by 112 votes; in 1888 the adverse majority was reduced to 52; but in the division of 1890, in a House of 560 members, the motion was defeated by the small majority of 38. Those figures tell their own tale, but the latest facts are still more significant. In 1893 Sir Charles Cameron produced, not a simple disestablishment resolution, but a Disestablishment Bill, and leave was given for its introduction, in a House of 426 members, by a majority of 66!

In all, five divisions have taken place in the House of Commons on Scottish disestablishment; and the number of Scottish members who voted or "paired," for and against it, in each case, was as follows:—

SCOTTISH MEMBERS AND DISESTABLISHMENT.

				For		Against
1886.	.	March 30th.	...	25	...	17
1888.	...	June 22nd.	...	40	...	20
1890.	...	May 2nd.	...	43	...	24
1892.	...	May 24th.	...	42	...	16
1893.	...	May 9th.	...	40	...	23

The Scottish members number seventy-two, and it will be seen that a decided majority of them have thus again and again given their votes in favour of disestablishment. It needs no great political foresight, under such circumstances, to perceive that the reign of ecclesiastical privilege in Scotland is rapidly drawing to a close.

CHAPTER XII.

THE PRACTICAL FAILURE OF THE ENGLISH ESTABLISHMENT.

THE only possible justification of an Established Church would be its actual attainment, within reasonable measure, of the objects it was intended to accomplish. Based on false principles, and necessarily at variance both with the rights of conscience and the claims of justice, it stands condemned antecedently to all experience of its practical results. But if it could be shown that, notwithstanding these theoretical objections, the Establishment system is yet a really efficacious means of promoting the cause of religion, the judgment of the nation would no doubt be given in its favour.

It has already been seen, however, that no such defence of the English Establishment is possible. The evidence is conclusive that it is as disastrous in its results as it is indefensible in principle. The union of the Church with the State has not elevated and christianised the State, but has secularised and degraded the Church. The parochial system has left large masses of the population in practical heathenism, and is now one of the chief impediments to their evangelisation. The appropriation of public property for the support of the favoured Church, in addition to the demoralisation it has wrought among the bishops and clergy, has had the effect of checking the flow of private liberality for religious purposes, and has rather "starved" than benefited the Church in its aggressive Christian work. The subjection of the Church to the State, with all its attendant anomalies of the Crown appointment of the bishops and other dignitaries, the patronage system, and the loss of self-government to the

Church itself, has practically reduced the Church to a mere department of the State, and has placed insuperable obstacles in the way of its free development. And while the Establishment is thus prejudicial to the highest interests of the Church itself, it is equally injurious to the cause of religion generally, and to the welfare of the nation at large.

The actual results of the Establishment system, therefore, condemn it as decisively as it can be condemned on the ground of abstract principle. It has not only failed to justify itself on the grounds of general utility, but it has also signally failed in the attainment of those definite objects which, according to its authoritative documents and its legal arrangements, it was expressly designed to accomplish.

OBJECT OF THE ACTS OF UNIFORMITY.

Nothing, for example, is more strenuously insisted upon in the Acts of Parliament by which the existing Establishment was constituted, than the uniformity of its faith and worship. The Act 13 Eliz. c. 12, which imposes the Thirty-nine Articles as the legally authorised faith of the Church, expressly states that these Articles are "for the avoiding of the diversities of opinion, and for the establishment of consent touching true religion"; and any minister who failed to give his assent and to subscribe to the said Articles, was to be deprived of his living "as if he were dead."

In a similar way, the Act of Uniformity of 1662 (14 Chas. II. c. 4) rigorously prescribes uniformity in public worship. The Act reads thus :—

"Now, in regard that nothing conduces more to the settling of the peace of this nation (which is desired of all good men), nor to the honour of our religion and the propagation thereof, than an universal agreement in the public worship of Almighty God; and to the intent that every person within this realm may certainly know the rule to which he is to conform in public worship and administration of the sacraments, and other rites and ceremonies of the Church of England, and the manner how and by whom bishops, priests, and deacons are and ought to be made, ordained, and consecrated: be it enacted," &c., &c.

And the penalty of non-compliance with the provisions of the Act was, in this case also, for every clergyman the loss of his living.

But it is notorious that, in spite of these express and rigorous provisions of the law, there is, and there always has been, as much diversity of religious opinion inside the Establishment as there is outside of it; while, so far from "every person" being able "certainly to know the rule to which he is to conform in public worship," that worship varies from the most simple Protestant forms to a studied imitation of the most elaborate ritual of the Roman Catholic Church.¹

BISHOP RYLE ON CHURCH PARTIES.

The extreme diversity of faith and worship within the Church Establishment is frankly recognised by Churchmen of all sections, and is admitted to be one of the chief sources of danger to its continued existence.

No one has spoken more plainly on the subject than the Bishop of Liverpool. He is continually lamenting over "our unhappy divisions"; and, while he admits that they threaten the Church with "disruption and disestablishment," he sees no way of escape from the danger. He agrees that Churchmen of all sections may, and ought, to act together for various benevolent purposes, and "for maintaining the union of Church and State;"—

"But," he says, "co-operation for direct spiritual work, for teaching saving religion, for direct dealing with souls, appears to me a rather different matter. It is my deliberate conviction that if High, Broad, and Low Churchmen are sincere, outspoken, hearty, and earnest in their several views it is not easy for them to work smoothly and comfortably together in direct dealing with souls. . . . Here is precisely the whole question on which schools of thought are diametrically opposed to one another! What one calls evangelising

¹ As if in mockery of the terms of the Act of Uniformity a correspondent of the *Globe*, September, 1893, suggests that the clergy, especially in country districts, should indicate outside their churches the character of their services, in this way: "Catholic services held here," "Protestant services held here." "For," he says, "after walking perhaps a mile or two, to find the service objectionable is very trying and disappointing."

another does not. What one would think wholesome milk another would think rank poison. It is a sorrowful conclusion, but, I know not how to avoid it, as things are at present. The acids and alkalies must be kept separate, lest there be effervescences and explosions, and a general blow up.”¹

And that these are not the exaggerated views of a mere partisan may be inferred from the fact that the *Times* takes substantially the same line. “It would be impossible,” it says, “to deny . . . that the gulf between the Church and the Nonconformists is not as wide as that between different parties within the Church”; and that “the gulf between the different schools which the Establishment includes” is not only “wide,” but “impassable.”²

The failure of the Establishment in this matter of uniformity of belief and worship is the more marked because of the bitterness and animosity which the different parties within the Church display towards one another. Their mutual recriminations, and their conflicts in the law courts have provoked the scornful comments of the world, and been a scandal to the cause of religion. It is true, this internecine strife has been somewhat appeased for the time by the decision of the Privy Council in the Bishop of Lincoln’s case. But the victory which has thus been gained by the Romanising party in the Establishment has been dearly purchased; for it has demonstrated that the National Church has proved false to the Protestant religion, and has thus failed in the primary object it was founded to accomplish.

THE CHURCH’S DUTY AS AN ESTABLISHMENT.

The Establishment has also signally failed in making adequate provision for the spiritual needs of the people. Its supporters frankly admit their responsibility to the nation. Thus Mr. (now Lord) Cross, when Home Secretary of a Conservative Government, said:—

“We must remember what our duty is as a National Church. I have always held, and I always shall hold, that if you say you are a

¹ *Principles for Churchmen*, pp. 80-83, 1884.

² *Times*, October 7th, 1893, on Birmingham Church Congress.

National Church you are bound to provide Church accommodation for the whole of the nation. Never mind whether they come or not, do not shrink from your duty."¹

A little later Lord Cross reiterated this view. He said:—

"It is the bounden duty of the Church of England as the National Church of this country—leaving all other bodies of Christians to do their own work in their own way—to provide Church accommodation for all the people of this land, so that every one might attend her services."²

The same admission of the Church's duty as a national Establishment is practically made by the almost uniform habit of Churchmen, in estimating the spiritual needs of any locality, to ignore altogether the work of Nonconformists, and to take account only of the means of public worship provided by the Church of England itself.

However unreasonable, in view of the actual facts, Lord Cross's contention may be, and however wanting in courteous recognition of the work of the Christian community at large, it is perfectly consistent with the theory of the Church Establishment. It is established by law as the *National Church*, and, as such, is bound, as Lord Cross expresses it, "to provide Church accommodation for all the people," whatever may be done, or left undone, by other religious bodies charged with no such national responsibility.

Church accommodation provided.—But, if this view of the Church's obligation as a National Establishment be correct, the proof of its failure in this particular is absolute and complete, and the authorities of the Establishment themselves supply the evidence. For the "Official Year Book of the Church of England" for 1893 gives the following as to the accommodation provided in the places of worship belonging to the Establishment:—

Parish churches	...	...	...	...	4,908,922
Chapels of ease	...	...	...	...	435,979
Mission rooms and other buildings	...	...	...	...	638,715
					<hr/> 5,983,616 <hr/>

¹ *Speech* at Kirkdale, Liverpool, October 15th, 1878.

² *Speech* at Halton View, October, 1879.

It is stated, however, that "these figures embrace the returns of 12,299 incumbents, leaving 1,263 to be accounted for"; the returns wanting being chiefly those of small agricultural parishes. The addition of ten per cent. to the figures given will therefore more than make up for the omitted returns, and this will make a total accommodation provided by the Establishment of 6,581,977 sittings. The population of England and Wales is close upon 30,000,000; but as not more than 58 per cent. of the population can attend public worship at the same time, provision for about 17,400,000 would in fact be provision for the whole. But the provision actually made by the Establishment, including its places of worship of every description, falls short by nearly 11,000,000! In other words, the so-called "National Church," according to the most favourable view of its work,¹ provides the means of public worship for little more than one-third of the nation; and if it had not been for the exertions of the Free Churches the larger part of the population would have been left practically without the means of public worship.

Failure to win the people.—The true test, however, of the Church's success or failure, as a National Establishment, is, not so much the accommodation it provides in its places of worship, as the extent to which it has induced the people to attend its public services; and in this respect the failure of the Establishment is even more marked than in regard to its inadequate provision for public worship. But on this point there are no official statistics more recent than those of the religious census of 1851. For the broad features of the case, however, no statistics are necessary. Common observation everywhere reveals the fact that a large proportion of the population make no profession of religion, and rarely if ever attend religious services; and that of those who do attend, the number belonging to the Free Churches is in most parts of the country as great, and in some parts greater, than is the number belonging to the Establishment. On the

¹ It is worth noting that the *Canterbury Diocesan Calendar* for 1893 gives the Church sittings for all England and Wales as 6,465,000.

face of the case, therefore, the Establishment is thus far a failure, that it has left a large mass of the population apparently untouched by its influence, and has gathered to its side a number not larger, if so large, as that connected with the Free Churches, which do all their work without assistance from the State.

THE RELIGIOUS CENSUS OF 1851.

The elaborate report by Mr. Horace Mann on the Religious Census of 1851 is still of interest and value, not only for the light it casts on the relative position of Church and Dissent at that time, but for the evidence it gives as to the wonderful progress of the Free Churches in the previous half-century.

It was not until after the middle of that period, in 1828, that the ban of the law was removed from Nonconformity, by the repeal of the Test and Corporation Acts. Before that time Nonconformists were practically excluded from the main currents of the national life, as they also were, for many years longer, from the advantages of the national seats of learning. But from the moment that they were permitted freely to share in the municipal and civil life of the nation, their religious activities were stimulated in an extraordinary degree, and almost every section of the Free Churches showed a remarkable increase.

The comparison between the relative positions of the Established Church and the Free Churches in respect to the accommodation provided in their places of worship in 1801 and 1851 respectively, is most suggestive. These are the figures :—

			1801.	1851.
Established Church	...	...	4,069,281	5,317,915
Free Church	...	...	963,169	4,894,648

In the first half of the century, therefore, while the Established Church increased the sitting accommodation in its places of worship by less than one-third of its previous amount, the Free Churches increased their sittings to more than five times its previous amount.

The population of England and Wales in 1851 was

17,927,609; and on the 58 per cent. rule, the number for which accommodation would be necessary is 10,398,013; while, as the above figures show, the actual accommodation provided by the Church of England was for only 5,317,915, or little more than half of what was required.

The results of the census as to actual attendance were still less satisfactory. The total attendances at all the places of worship together, at the three services on the census Sunday, were as follows:—

	Morning.	Afternoon.	Evening.	Total.
Established Church	2,371,732	1,764,641	803,141	4,939,514
Free Churches ...	2,056,606	1,265,639	2,157,631	5,479,876

In so far, therefore, as the number of *attendances* is concerned those of the Free Churches exceeded those at the churches of the Establishment by 540,362. But it is obvious that the larger number of attendances at the three services together might be made by the smaller number of persons; and Mr. Mann, assuming that among the Free Churches there were more persons who attended service twice or three times in the day than among the worshippers with the Establishment, calculated that the above totals represented 3,773,474 persons on the side of the Established Church, and 3,487,558 in connection with the Free Churches, or a majority for the Establishment of 285,916.

The important point, however, is that while the Established Church provided little more than half the accommodation required, the actual number present at its most numerous service was only 2,371,732, or considerably less than half the number for whom provision was made. The picture of failure, therefore, was complete.

THE RELIGIOUS CENSUS QUESTION.

The supporters of the Established Church have not unnaturally sought to disparage the Religious Census of 1851; but it was not until the disclosures of the census had proved so damaging to the Establishment that any complaint was made; and the substantial accuracy of the figures of 1851 are above suspicion.

In 1860, however, a resolute attempt was made to substitute, in the census of 1861, a mere statement of "religious profession" on the census-paper, for an actual count of the attendants at places of worship. But this was resisted, on the ground that it is no part of the duty of the Government to require a statement of the religious profession of the people; that such a statement would, in a large number of cases, be unreal and misleading; and that its result would give a fictitious appearance of strength to the Established Church, from the nominal adhesion of people who never attended its services.¹ No objection was offered by the Nonconformists to a census similar to that of 1851, and they actually proposed that such a census should be taken. But the supporters of the Establishment refused, as they have ever since refused; and the result is that no official religious census has since been taken.

THE NEWSPAPER RELIGIOUS CENSUS OF 1881-2.

But although no official religious census has been taken since 1851, there have been various local and unofficial censuses taken by the proprietors of certain newspapers; and, in the absence of official information, the facts thus disclosed are worthy of careful attention.

The first of these local censuses was that of Newcastle-on-Tyne. In 1881, the Church Congress was held in that city; and, on the Sunday before the Congress met, the *Newcastle Daily Chronicle*, the leading newspaper of the district, took a religious census of Newcastle and the adjoining town of Gateshead; the details being published on October 5th, the day the Congress discussed the question of "Church and State." Nothing could have been more opportunely done; and the facts disclosed were so remarkable that they produced a great impression,

¹ The Rev. Brooke Lambert, now Vicar of Greenwich, in a letter to the *Spectator*, September 28th, 1878, candidly admits that when, some years previously, he took a census of his parish in the East of London, he often got the answer, "I go nowhere; put me down 'Church.'"

not only upon the Churchmen assembled at Newcastle, but upon all denominations and in all parts of the country.

The result was that a kind of rivalry at once sprang up between different newspapers in their eagerness to give the public similar information respecting the several towns with which they were connected; and in the course of a few months these statistics were published for about 200 places, large and small, situated in all parts of the country, and not unfairly representative of the population at large. In each case the statistics were given in great detail, and in such a form as to show that they were the result of a *bona fide* attempt to make known the actual facts.

The following is a carefully compiled summary of this census, arranged according to the population of the places included, but, for the sake of simplicity, giving only the aggregate largest attendance in the Established Church and the Free Churches respectively:—

Places.	Aggregate Popula- tion.	Largest Attendance.	
		Establishd Church.	Free Churches.
Ten towns with a population of over 100,000 each ¹	2,084,686	137,616	264,469
Ten towns over 50,000 and under 100,000 each ²	619,576	51,815	74,954
Seventeen towns over 20,000 and under 50,000 each ³	591,032	51,916	91,728
Sixteen towns over 10,000 and under 20,000 each ⁴	236,668	24,098	39,955
Eighteen small towns, various villages, and rural districts ⁵	251,522	34,975	45,510
Wales (four towns) ⁶	50,303	3,902	14,981
	3,833,787	304,322	531,597

¹ Bolton, Bradford, Bristol, Hull, Leicester, Liverpool, Newcastle, Nottingham, Portsmouth and adjoining towns, and Sheffield,
² Bath, Burnley, Derby, Gateshead, Hanley, Ipswich, Northampton. Southampton, Stockport, and Wolverhampton. ³ Accrington, Barnsley, Barrow-in-Furness, Burslem, Cheltenham, Coventry, Darlington, Gloucester, Gosport, Hastings and St. Leonards, Ove, Darwen, Peterborough, Rotherham, Scarborough, Stockton, War-

No one would contend that this newspaper census furnishes anything more than a rough approximate indication of the relative numerical position of the Established and the Free Churches in the country at large. But, as such an indication, it has its value; and, looking at it in connection with the official census of 1851, it seems to indicate three things:—(1) that the Free Churches are steadily, and in some cases rapidly, increasing their majority over the Establishment in the towns, and especially in the large towns; (2) that the Establishment is fast losing, if it has not already lost, its supremacy in the rural districts; and (3), that, as the *Times* says (although with no reference to this newspaper census), “the Church of England has failed, and still fails to reach more than the fringe of the masses for whom it was founded.”¹

FAILURE WITH THE WORKING CLASSES.

The practical failure of the Establishment in its dealings with the agricultural labourers has already been shown.² Some figures have also been given showing its inadequate provision for the needs of town populations;³ while the Bishop of Liverpool furnishes a striking illustration of its failure with the great mass of the labouring population in the large towns. He says:—

“The fact that myriads of the working classes never attend any public worship at all, and are practically ‘without God in the world’ is realised, I expect, by very few. Yet the statistics of every census of worship attendance in our large towns bring out the painful fact in dark and unmistakable colours. I will give an illustration of my meaning; I will show the results obtained by an accurate enumeration made on

rington and Widnes. ⁴ Bournemouth, Chesterfield, Colne, Frome, Ilkestone, Kettering, Longton, Margate, Newcastle-under-Lyme, Newton and Earlstown, Runcorn, Stoke, Trowbridge, Wellingborough, Whitehaven, and Worksop. ⁵ Towcester, Daventry, Long Buckby, Blisworth, Bradford-on-Avon, Chippenham, Corsham, Frome, Melksham, Shepton Mallet, Basingstoke, Christchurch, Diss, Egremont, Halstead, Haverhill, Mexborough, Padiham, Retford, seventy villages around Bath, Forest of Dean District, Lincolnshire villages, and villages around Warrington and Cheltenham. ⁶ Carnarvon, Conway, Llanelly, and Wrexham.

¹ The *Times*, Dec. 26th, 1882. ² See *ante*, p. 41. ³ See *ante*, p. 108.

Trinity Sunday, 1882, of the attendance at fifteen of the poorer parish churches in Liverpool :—

Liverpool Parishes.		Church Attendance, June 4, 1882.		
Gross Population.	Church of England Population.	Morning.	Evening.	Average.
5,225	1,748	271	442	356
5,672	2,154	97	124	111
11,309	3,267	60	60	60
10,491	3,062	29	52	41
9,111	3,344	25	31	28
8,774	1,769	280	186	233
8,161	2,724	156	205	180
4,996	2,127	161	353	257
8,732	4,206	260	310	285
6,214	3,037	228	313	270
9,762	6,747	205	327	266
6,430	3,424	156	151	153
13,284	8,481	443	460	454
9,737	5,960	302	314	308
8,286	5,414	460	544	502
126,184	57,464	3,133	3,877	3,504 ¹

The Bishop adds :—

“I do not believe that Liverpool is one whit worse than other large towns in England and Wales. On the contrary, I firmly believe that a census of church attendance on one given day in London, Manchester, Leeds, Birmingham, Sheffield, Newcastle, Hull, Bradford, Nottingham, Leicester, Wolverhampton, Portsmouth, Plymouth, Oldham, and other places which I could name, would be found to produce the same, or even worse, results.”¹

The Bishop does not explain how the figures of this table, professedly giving the “Church of England population,” were obtained; but it was probably from a house-to-house inquiry as to the “religious profession” of the inmates made, in 1881, by Canon Hume. The figures, however, clearly indicate the worthlessness of such inquiries.

¹ “*Can they be brought in?*” pp. 2-6.

It may be doubted whether Bishop Ryle is justified in describing the "myriads of the working classes" who never attend any place of worship as being "practically without God in the world;" but it is evident from his own statements that the Established Church has utterly failed to reach them; and the probability is that, as he says in his "Church Reform Papers," "Not one in a score of them would lift a finger to prevent the Establishment being destroyed to-morrow."¹

LOSS OF INTELLECTUAL SUPREMACY.

In a previous chapter² reference has been made to another aspect of the failure of the Establishment; namely, to the reactionary spirit which the dominant party within it now displays, and to its increasing divergence from the spirit of the age. But, perhaps the most striking indication of its failure is the intellectual decay by which it appears at the present time to be marked.

On this subject Mr. H. W. Massingham writes as follows in the *Contemporary Review*, for September, 1891:—

"In the Middle Ages the Church had a monopoly of culture, and a directing hand in all the progressive movements of the times—political, social, intellectual. Even so late as fifty years ago the control of the English Universities placed in the hands of the clergy nearly the whole of the learning and the educational work of the country. Nearly every Fellow of a college at Cambridge or Oxford was a clergyman. The school-mastering of English youth of high and of low degree was in the hands of the clergy. Every Professor up and down the land was in orders. Clergymen made a brave show at the Royal Society, which, in 1890, counted less than a score of clerical Fellows. The Cambridge Calendar of 1843 shows that out of the twenty-four Professors seventeen were clergymen. The teaching of pure science was in the hands of men who had subscribed to the Thirty-nine Articles. The chairs of civil law, moral philosophy, modern history, and natural philosophy, were also retained by them.

"Examine the calendar for 1891, and you will observe the difference I have thus indicated. To-day there are forty-two professors in the University of Cambridge, and only nine are clergymen. Six of these nine, including the Professor of Hebrew, may be regarded as teachers of Divinity. Of the other three—Professor Mayer, Professor (now Canon) Browne, and Professor Skeat—two, at least, are men of

¹ *Church Reform Papers*, p. 22.

² See *ante*, p. 46.

real eminence, but their distinction only serves to throw into severer contrast the obscurity of their clerical colleagues. To-day the teaching of the chief branches of modern learning—civil law, moral philosophy, chemistry, astronomy, anatomy, modern history, botany, biology, and natural history—which, in 1843, was the absolute monopoly of the Church, is entirely confined to laymen. To take one great subject, I may mention that in all England and Wales there are fourteen professors of history attached to the Universities of Cambridge, Oxford, and London, and the various University Colleges. Only two of these—namely, Professor Boase and Professor Bright—are clergymen. It is not simply that the Anselms, the Becketts, and the Butlers have gone. The Church has largely lost her able administrators, her scholars, and her thinkers, as well as her statesmen, her poets, her saints, and her heroes.

“It does not need any special acquaintance with the later history of the Church to know that, as a body, the clergy of the Church of England are fully as inferior as their loss of the key of the intellectual position would lead us to suppose. Where are the great Churchmen of to-day? What is their line of distinction? Two historians, a scholarly, though rather ‘viewy’ inspirer of much good social work and thinking, an adroit manager or two, and a few clever pulpit rhetoricians and active town clergymen, make up the list of the prominent men. As a body they are nowhere in science, in literature, in art, in scholarship. In every department for one clergyman who is above the average you will find twenty laymen who are ahead of him.”

The facts here given are conclusive as to the practical failure of the Church Establishment. Its failure to enforce “uniformity” was inevitable, and is shown as much by the denominational divisions among Nonconformists as by the irreconcilable differences within its own body. The fact that, after three centuries of State-favour, the “National Church” numbers less than half the nation, and is equalled or outnumbered by the self-supporting religious communities which have grown up around it, is good evidence that the Establishment system is not adapted to the purpose it was intended to serve; while the reactionary spirit of the Established Church, its arrogant exclusiveness, its hostility to reform, and the intellectual decrepitude which seems to be overtaking it, are all traceable, more or less directly, to the fatal penalty which privilege commonly entails.

CHAPTER XIII.

WHAT IS, AND WHAT IS NOT, INVOLVED IN DISESTABLISHMENT.

MUCH of the opposition to disestablishment is due to a wholly mistaken idea of what it involves; and not unfrequently these unfounded objections are allowed to override the clearest convictions as to positive good which disestablishment would accomplish.

The Bishop of Liverpool, for example, is a vehement opponent of disestablishment; but, in so far as the Church is concerned, he admits that:—

“It would doubtless give us more liberty, and might enable us to effect some useful reforms. It would bring the laity forward into their rightful position from sheer necessity. It would probably give us a real and properly constituted Convocation, including laity as well as clergy. It would lead to an increase of bishops, a division of dioceses, and a reconstruction of our cathedral bodies. It would make an end of Crown jobs in the choice of bishops, and upset the whole existing system of patronage. It would destroy all sinecure offices, and drive all drones out of the ecclesiastical hive. It would enable us to make our worship more elastic, and our ritual better suited to the times.”¹

GROTESQUE MISCONCEPTIONS.

Why then, it will be asked, is the Bishop opposed to disestablishment? Because, among other things, he says, its practical results would be that:—

“The Government of England would allow all its subjects to serve God or Baal—to go to heaven or to another place—just as they pleased. The State would continue to care for the bodies of its subjects, but it would entirely ignore their souls. The Sovereign of Great Britain might be a Papist, the Prime Minister a Mohammedan, the

¹ *Principles for Churchmen*, p. 322.

Lord Chancellor a Jew. Parliament would be commenced without prayer. Oaths would be dispensed with in Courts of Justice. The next king would be crowned without a religious service in Westminster Abbey. Prisons and workhouses, men-of-war, and regiments would all be left without chaplains. In short, for fear of offending infidels and people who object to intercessory prayer, I suppose that regimental bands would be forbidden to play 'God save the Queen.'"¹

"This," says the Bishop, "so far as I can make out, is the state of things the Liberationists wish to bring about in Great Britain"! But a more grotesque caricature, both of the "wish" of Liberationists, and the probable results of disestablishment, it is hardly possible to imagine. Not one of the things specified is necessarily involved in disestablishment; and, judging by what has followed it in America, the Colonies, and Ireland, nothing of the kind is ever likely to happen. The Bishop forgets that the dominant force in favour of disestablishment is a religious force, and that it may safely be assumed, therefore, that in putting an end to the political ascendancy of a particular Church, care will be taken, possibly at the expense of some logical consistency, to do nothing that will be prejudicial to the religious interests of the nation.

WHAT ESTABLISHMENT ITSELF INVOLVES.

To understand clearly what is, and what is not, involved in disestablishment, it is necessary first to realise what establishment itself involves. According to the definitions already given,² it consists (1) in the granting of special privileges to the Church by the State, and (2) in the exercise by the State of special control over the Church. But, strictly, that is rather the outcome of establishment, than establishment itself. There is a preliminary act of establishment, distinct from this special treatment of the Church established, and out of which that treatment springs; and that act of establishment is the formal adoption of the Church by the State as the embodi-

¹ *Principles for Churchmen*, p. 315.

² See *ante*, pp. 9-12

ment of the State-religion. It was in that way, in the sixth and seventh centuries, that Christianity was established, in place of heathenism, as the State-religion of the Anglo-Saxon kingdoms.¹ But, as the Church thus established was not a local Church then first founded, but the one Catholic Church of all Western Christendom, the local legislative authority, whether of the separate Anglo-Saxon kingdoms, or, later, of the English State, never had more than a subordinate part in the regulation of its affairs in England.² It was not until the Reformation, when England broke away from the authority of Rome, and became, in ecclesiastical, as in civil, matters, a self-governing kingdom, that establishment received its full development, and the Church became wholly subject to the civil power. But, from the first establishment of the Church in England, its affairs have been regulated by public law; and since the time of Parliaments upwards of 1,400 statutes of the realm have been passed for that purpose.

In these facts lies the essential distinction between the Church of England, as an Established Church, and other religious bodies. *It* is set up by law as the Church of the nation, and is, therefore, governed by the national Legislature; *they* are private religious societies, unknown to the law, excepting as permissible associations, and wholly governed by rules of their own making. The mistake of those who suppose that the Church of England occupies a similar position to that of other religious bodies is due to forgetfulness of the fact that it has been thus formally set up by the State as the National Church; and that, as such, it is the subject of special legislation, by which the State gives to it privileges that no other religious body enjoys, and exercises over it a control to which no other religious body is subject. In previous chapters abundant evidence has been given of the special legislation which the establishment of the Church has involved; and it has been shown that, as the result of its establishment, practically everything which other Churches do for themselves, in the Church of England is done by the State;

¹ See *ante*, p. 50. ² See Bishop Stubbs's statement, *ante*, p. 57.

either by the direct action of the Legislature, or by means of public bodies appointed by the State, and exercising functions prescribed by Acts of Parliament.

WHAT IS INVOLVED IN DISESTABLISHMENT.

As in establishment, then, the Church is (1) legally constituted the State-Church, and (2) is, as such, both specially favoured and specially controlled by the State, so in disestablishment (which is simply the *undoing* of what is done by establishment) the essential things are (1) that the Church shall be displaced from its position as the State-Church, and (2) that the State shall withdraw from it all special favour and release it from all special control. The Act of Parliament, therefore, which disestablishes the Church will, as in the case of the Irish Church Act, provide that the Church shall “cease to be established by law,” and it will also put an end to the special favours which the Church now receives, and release it from the special control to which it is now subject.

In so far, therefore, as the Church is concerned, disestablishment will involve both loss and gain—loss of the privileges it enjoys as the National Church, and gain of the right and power of self-government, of which it is now deprived.

WHAT THE CHURCH WILL LOSE BY DISESTABLISHMENT.

The Church will lose its legal position as the *National* Church, and the sanction now given by the State to its form of faith and worship. The Thirty-nine Articles and the Book of Common Prayer are now stamped with State approval; and in every parish in the kingdom provision is made for the maintenance of the form of faith and worship they embody. Disestablishment will withdraw the authority of the State from these arrangements; and while it will not silence a single pulpit belonging to the Church now established, all that will be done thenceforth to propagate its faith will be done on the authority of Churchmen themselves, and not in the name and on the

authority of the nation. Disestablishment will also entail the loss of the privileged position of the bishops and clergy. It will remove the bishops from the House of Lords, and take away the parochial authority of the clergy. The incumbent of the parish is now, in virtue of his office, not only a minister of religion, but a public functionary, and, wholly irrespective of age, or character, or capacity, is entrusted with considerable public authority. With disestablishment that will cease, and the clergy will thereafter occupy a similar legal position to that of the ministers of other religious bodies. The Church will also lose the public property by which it is now supported; disendowment being necessarily involved in disestablishment.

It is this loss of public property that disestablishment involves about which Churchmen are chiefly concerned. But much of that property is now practically wasted on extravagant salaries and sinecure offices to which disestablishment will put an end; while, as all the existing bishops and clergy will be compensated, their support will be no burden to the disestablished Church, and it will thus have time to develop the liberality of its members before it is wholly thrown upon its own resources. It must also be remembered that much of the best work of the Church, especially in the large towns, is even now sustained by recent endowments and other voluntary resources, which will be practically untouched by disendowment. It has already been shown that the public provision for the Church's needs, checks and discourages the liberality of its own members. Mr. Gladstone, indeed, contends that its effect is "to starve the work of the Church, and to blind the eyes of men to the vast fund upon which they have to draw in the wealth of Christian faith and Christian love;"¹ and there is no reason to doubt that when the Church is freed from this evil effect of establishment, and appeals to its own members for the means of carrying on its work, it will be abundantly supplied with the necessary funds.

¹ *Speech at Jubilee of Colonial Bishops' Fund, June 19th, 1891.*

WHAT THE CHURCH WILL GAIN BY DISESTABLISHMENT.

The gain to the Church may be summed up in a single word—LIBERTY! At present the Church is bound hand and foot. It has no voice in the selection of its bishops and other chief officers; its members are helpless in respect to the appointment of the parochial clergy; and its worship and discipline are regulated by Parliament, in which its friends and its foes have equal authority.

It is admitted that important changes are needed in the Church's organisation and methods, to adapt them to the altered circumstances of the time; but "nothing can be done," as the Bishop of Liverpool says, "without an Act of Parliament." "Not one jot or one tittle of the Prayer Book can be varied," says the *Guardian*, "except with the consent of Parliament."¹ "We *must* go to Parliament," says the Bishop of Worcester, "simply because we are an Established Church"; although he admits that "it would be disastrous if the sacred things of the Church were to be tossed to and fro in debate by men of all religions and of none in the House of Commons."²

This feeling has long operated in deterring Churchmen from appealing to Parliament for the remedy of evils from which the Church suffers, and which have had a disastrous effect on the Church as a spiritual body. But disestablishment will bring immediate relief. The Act which puts an end to the privileged position of the Church will at once sweep away many of its gravest evils, and will give Churchmen themselves the power to effect other necessary reforms. In the light of what has happened in Ireland, the Colonies, and America, there can be no reasonable doubt that disestablishment will prove an immense blessing to the Church, and start it on a career of prosperity the like of which it has never seen before.

It is not surprising that, with fuller knowledge of the actual results of disestablishment elsewhere, there has

¹ *Guardian*, Dec. 24th, 1890.

² *Speech* at Westminster Town Hall, Feb. 6th, 1890.

been a considerable growth of opinion in its favour within the Church of England of late years; and there are now probably many Churchmen of all sections who would heartily endorse the statement of the late Rev. A. H. Mackonochie, that—

“Once free from State-control, we shall begin, I trust, to feel as a body, and not merely as individuals, that we belong to a ‘Kingdom which is not of this world.’ Our bishops will know that their power is that of servants of Christ, not Lords of Parliament. We of the clergy shall be free from the temptations to worldly gain and ambition with which an Establishment surrounds men; and our people will receive or reject us for Christ’s sake, not as ministers appointed by the State.”¹

DISESTABLISHMENT AND THE NATION.

The supporters of the Establishment now admit that it is required, not so much for the sake of the Church as for that of the nation, which, in their view, will suffer irreparable injury in the absence of a State-Church.

But this opinion is, to a great extent, based upon an altogether erroneous idea of what is involved in disestablishment, so far as the nation is concerned.

Alleged national repudiation of God.—It is said, for example, that to separate Church and State would be a national repudiation of God, and would make the State atheistic. But the answer to such an argument has well been given by Lord Selborne (Sir Roundell Palmer), who, even when speaking against the disestablishment of the Irish Church, said:—

“I cannot agree with those who say that the severance of the political relations of the Church with the State is and necessarily must be an abnegation of national Christianity, or an act of national apostasy. It appears to me that such a view is founded on an entirely false notion of the vocation of civil government, and of the nature of national religion. The duty of civil government is to govern all and every part of the country committed to its charge with impartiality and justice, and with regard to those interests which it belongs to human laws to protect. National religion, as I understand it, is not any profession embodied in laws or forms and ceremonies, made by those who are at the head of the Government; but it is the

¹ *Letter to the Times*, January, 1869.

religion of the people who constitute the nation. If the rulers are religious, whether as members of a legislative body like this House, or as administrators of public authority in any other way, they will carry with them their religion, and be controlled and guided by its moral influence in the discharge of all parts of their duty. But the forms of national institutions do, and must in this, as in all other respects, vary from time to time, according to the circumstances of the country, and it is impossible to lay down *à priori* a rule to decide whether this change or that change tends to a departure from national religion. Every single individual will be in point of religion what he was before the change, and it is a monstrous and self-calumniating thing to say that an act of the nature now under consideration is an act of national apostasy.”¹

Religion in public life.—It is also urged that disestablishment will involve a complete divorce from religion of everything connected with public life; that of necessity the sittings of Parliament will be opened without prayer; that there will be no chaplains for the army and the navy, for workhouses and prisons; and that no religious services will henceforth be connected with great public and State ceremonials. But all that is pure assumption, and contradicted by the experience of every country in which disestablishment has taken place.

The example of America is full of significance in reference to such matters. Dr. Macaulay says:—

“Some who have not visited America may imagine that the absence of an Established Church implies a low state of public religious feeling. There could not be a greater mistake. Religion pervades the nation to a far greater extent than in any country of the Old World, and Christianity is far more honoured and influential in every department of public and social, as well as domestic life. Not only are the sessions of Congress opened with prayer, as are our Houses of Parliament, but all courts of law are also opened by prayer. In legislation and government, whether of the Republic or of the separate States, there is more frequent reference to religion than with ourselves. But most of all is this manifest in the system of common school education, which is the pride and strength of the American Commonwealth. Notwithstanding diversities of sects and of opinions in minor matters, it was a grand sight to see the children of all denominations meeting in the same schools, opened every day by prayer or praise, and reading the Bible. If any other illustration is needed of the prevalent

¹ *Speech in House of Commons* March 22nd, 1869.

national respect for religion, I might refer to the appointment of days of humiliation or of thanksgiving on special occasions. No authority is recognised as compulsory in such matters, but the issuing of a recommendation, signed by the President and Secretary of State, is responded to heartily throughout the nation. Every year "Thanksgiving Day" is a time of special assembly for public worship, when national mercies are devoutly acknowledged in fifty thousand churches, and the incense of praise rises from millions of thankful, reverential hearts."¹

Mr. Bryce, in his *American Commonwealth*, writes much to the same effect. He says:—

"The refusal of the civil power to protect or endow any form of religion is commonly represented in Europe as equivalent to a declaration of contemptuous indifference on the part of the State to the spiritual interests of its people. A State recognising no Church is called a godless State; the disestablishment of a Church is described as an act of national impiety. Nothing can be farther from the American view. . . . It never occurs to the average American that there is any reason why State-churches should exist, and he stands amazed at the warmth of European feeling on the matter."

After stating various facts, Mr. Bryce adds:—

"The whole matter may, I think, be summed up by saying that Christianity is in fact understood to be, though not the legally established religion, yet the national religion. So far from thinking their Commonwealth godless, the Americans conceive that the religious character of a Government consists in nothing but the religious belief of the individual citizens, and the conformity of their conduct to that belief. They deem the general acceptance of Christianity to be one of the main sources of their national prosperity, and their nation a special object of the Divine favour."²

THE WELFARE OF THE POOR.

Another objection to disestablishment is grounded on the supposition that it will place in jeopardy the religious welfare of remote parishes in the rural districts, and the crowded populations of poor parishes in large towns. It is assumed that, with the removal of the legal obligation to minister to the spiritual needs of the people which the Establishment imposes on the incumbent of the parish, their religious welfare will be, to a great extent, neglected,

¹ *Across the Ferry: or, First Impressions of America*, 1871, p. 370.

² *The American Commonwealth*, vol. iii., pp. 470, 473, 474.

and, as it is asserted, large masses of the population will lapse into practical heathenism.

But there is here a double assumption, neither part of which is well founded. The legal provision now made for the wants of such parishes is often much more a nominal than a real provision ; while its abandonment will at once appeal to the heart and conscience of every Christian community, and one of the most certain results will be a widespread and resolute effort, on the part of all the Churches, to gather within the Christian fold those outlying portions of the population.

THE LEGAL POSITION OF NON-ESTABLISHED CHURCHES.

An attempt is sometimes made to disparage disestablishment by representing that it will not free the Church from the control of the State, and that Count Cavour's ideal of "A free Church in a free State" is really unattainable. But that is another of the misconceptions which arise from confused ideas as to what establishment and disestablishment respectively involve.

It is quite true that disestablished, like non-established, Churches will be subject to that general supremacy of the law which is an essential condition of social order. If, therefore, the members of these Churches should differ among themselves as to the proper interpretation of their own rules, and any question of property or civil right should be involved, the courts of law, on being appealed to, would certainly interfere to decide the point at issue. And, further, if any such Churches should, by their rules, attach certain definite conditions to the use of their common property, they would not be able, without risk to the retention of that property, to alter those conditions without the consent, as the case might be, of the Charity Commissioners or Parliament itself.

But in all such cases Churches are simply bound by rules of their own making, which are, in effect, the terms of a "contract" mutually agreed upon. The limits to their freedom are therefore limits which they have themselves imposed, and with which Parliament has had nothing whatever to do. In the case of the Established Church, the

rules it has to observe are *laws*, not of its own making, but Acts of Parliament, and which Parliament alone can alter or repeal. It is the subjection of the Established Church to these State laws which constitutes its bondage, and from that bondage the disestablished Church will be, as the non-established Churches now are, wholly free.

The general principles on which the courts of law interfere in the affairs of such Churches are clearly set forth in the following important passage from the judgment of the Privy Council in the case of *Long v. the Bishop of Capetown* :—

“The Church of England, in places where there is no church established by law, is in the same situation with any other religious body, in no better, but in no worse position; and the members may adopt, as the members of any other communion may adopt, rules for enforcing discipline within their body, which will be binding on those who expressly, or by implication, have assented to them.

“It may be further laid down that where any religious or other lawful association has not only agreed on the terms of its union, but has also constituted a tribunal to determine whether the rules of the association have been violated by any of its members or not, and what shall be the consequence of such violation, then the decision of such tribunal will be binding, when it has acted within the scope of its authority, has observed such forms as the rules require, if any forms be prescribed, and if not has proceeded in a manner consonant with the principles of justice.

“In such cases the tribunals so constituted are not in any sense courts; they derive no authority from the Crown, they have no power of their own to enforce their sentences, they must apply for that purpose to the courts established by law, and such courts will give effect to their decisions, as they give effect to the decisions of arbitrators, whose jurisdiction rests entirely upon the agreement of the parties.”¹

In all cases, therefore, in which the disputes of the Free Churches come before the courts, the one business of the court is to determine which of the two parties to the suit have stood by the “contract” between them; having regard to the express terms of the documents concerned, and, if necessary, to the surrounding circumstances, which any ambiguity in those terms may render

¹ Broderick and Fremantle’s *Ecclesiastical Judgments of the Privy Council*, p. 310.

it necessary to consider. It may be that, in determining such cases, questions of doctrine or religious observance will have to be investigated and adjudicated upon ; but, even so, it will still be for the simple purpose of ascertaining the meaning, expressed or implied, of the contract between the parties, and of holding them to the conditions, or terms, upon which they have themselves agreed. The intervention of the courts of law in the affairs of the Free Churches, therefore, so far from restricting their freedom, guards and protects it ; securing to the members of those Churches the free exercise of their powers of self-government, and upholding the authority of their decisions, when they have proceeded in accordance with their own rules and regulations.

METHODS OF DISESTABLISHMENT AND DISENDOWMENT.

The purpose of this work is mainly to show *why* the Church of England should be disestablished, and not to describe the means by which that object should be effected. The two questions are distinct, and even among those who desire a separation of Church and State, there is room for a difference of opinion as to the exact mode of dissolving the connection. A generation ago many established Churchmen and politicians believed that Church and State were so indissolubly united that separation was either impossible, or could not be effected without dislocating our governmental system. The passing of the Act of 1869, by which the Protestant Episcopal Church in Ireland was disestablished, has effectually dispelled that idea, and shown that, so far as legislation is concerned, the difficulties to be encountered are by no means insurmountable.

In 1877 the "Liberation Society" published some "Practical suggestions relative to the disestablishment and disendowment of the Church of England," which had been prepared by a committee appointed for the purpose. Those suggestions have, in some quarters, been erroneously treated as the fixed and final proposals of the advocates of disestablishment. They were, however, issued with the

express statement that they did not "profess to be more than hints, to aid in the public discussion of a great public question," and that they were to be considered only as "a contribution towards the stock of ideas out of which there will ultimately be evolved a complete scheme, which will commend itself to the judgment of the nation." It was expected that they would be variously regarded even among the advocates of disestablishment; and that some would think that they conceded too much, while others would think them too rigorous. It was further recognised that the task of preparing a measure of disestablishment must be devolved on a Government, which would be guided by the circumstances, and the public opinion of the time; while it was also acknowledged that at a future period there might come the suggestion of new, or the modification of old, proposals. Those were the modest aims of the framers of the "Practical suggestions"; which, whatever may be thought of particular items, retain their value as "hints" to aid in the discussion of the practical modes of effecting disestablishment, and its essential companion—disendowment. In these pages it is unnecessary to do more than state certain general principles, without applying them in detail; it being at the same time borne in mind that the circumstances of England, of Wales, and of Scotland, in regard to the established Churches, widely differ, and that they will be dealt with by separate measures.

Ought disestablishment to be gradual or at a fixed period? is a question of primary importance. In the case of Ireland, while the Church was allowed nearly a year and a half to prepare for the change, it was enacted that on the 1st of January, 1871, "the Church of Ireland shall cease to be established by law." Gradual disestablishment, however plausible it may appear, would seriously embarrass both the Church and the State. The necessary re-organisation of the former might, to a large extent, be indefinitely postponed, if required changes had to wait till incumbencies became vacant by the death, or retirement, of the existing occupants. One portion of the bishops and clergy would still be governed by State-laws, while others

would be under a free and voluntary system, and that would lead to a confusion obstructive to the full development of the Church's life. A second point relates to the compensation of the holders of office in the Church on their ceasing to be officers of a national establishment. That compensation should be given to them as *individuals* and not to the disestablished Church. It should also be fixed with some regard to age and to length of service, and there should be no inducement, as in the case of Ireland, to multiply curacies in the last days of the establishment, for the sake of obtaining additional compensation.¹ It is admitted by the advocates of disestablishment, that a distinction should be drawn between the ancient property held by the Church and that which has been created by the liberality of Churchmen in modern times. In regard to the latter, it is to be borne in mind that the Church of England is not one great corporation, but an aggregate of corporations, in which alone property is now vested.² Opinion will, no doubt, be divided in regard to the future ownership and use of the churches. While all of them are, in law, national property, regard should be had to the fact, that most modern churches have been erected at the cost of Churchmen, who may, therefore, equitably claim to retain possession of them. As regards the ancient churches, it may be safely assumed that Parliament will not sanction any provision which would do violence to the religious sentiment of the nation; and that that sentiment may also be relied upon as a means of preventing the ill-use of buildings erected for ecclesiastical purposes. The cathedrals and abbeys and other churches of a special

¹ See *ante*, p. 167.

² Speaking at Dewsbury, December 2nd, 1876, the Bishop of Manchester (Dr. Fraser) said: "The fact was, that, materially and legally speaking, there was no such thing as the Church of England. There was an aggregate of corporations sole which had certain churches vested in them, but no body of the Church of England was in possession of land. He, as a Bishop of England, was a corporation sole, and he got a certain income, which was secured to him by law. Every rector or vicar, and every cathedral chapter [?] was, in the same way, a corporation sole, and each had his income secured; but the Church, as an aggregate of these corporations sole, had no property."

character, should unquestionably remain national, and be dealt with accordingly.¹ Lastly, when the Church is disestablished, its members will be entitled to the same legal facilities for organisation, and the management of their financial and other affairs, as are possessed by other religious communities, but not to be treated as a specially privileged ecclesiastical body. The disposal of the property remaining after the satisfaction of vested interests, is a question on which public opinion has not yet been fully formed. It is enough to say here that the purposes to which the surplus is applied should be of a non-ecclesiastical character, and should benefit the entire nation.²

¹ The Cathedrals and Abbeys of Scotland are already under the control of Her Majesty's Commissioner of Works.

² At the meeting of the "Liberation Society's" Council, May, 1893, Mr. Illingworth, M.P., suggested that a suitable mode of disposing of the surplus would be the creation of Old Age Pensions.

CHAPTER XIV.

THE TEST OF EXPERIENCE.

THE best argument in favour of disestablishment is to be found in the results it has produced wherever it has been tried. It is a tree which may be judged by its fruit; and the actual experience of those countries in which the union between Church and State, in whatever form it may have existed, has been severed, affords conclusive evidence in support of the principle of religious equality.

Lord Selborne, however, endeavours to weaken or destroy the force of the argument for disestablishment to be drawn from its results elsewhere, by denying that in any other community there ever have been "organic relations between Church and State, such as those now existing in England."¹ The fact alleged is no doubt strictly correct, but it is wholly irrelevant. Although precisely "such" relations between Church and State as exist in England have never obtained elsewhere, the broad fact remains that in America and the Colonies, and in Ireland, Church and State have been united, and a Church Establishment in one or other of its forms has been maintained, and has since been abandoned; and that in every case the results have been such as to give almost universal satisfaction.

DISESTABLISHMENT IN THE UNITED STATES.

In the North American colonies, with the single exception of Pennsylvania, a very real union between Church and State existed throughout the country; although in the different colonies different religious bodies were adopted as the favoured Church. In New England generally, strange as the fact now appears, Congregationalism was the State-Church; in Virginia, North and

South Carolina, and Maryland it was Protestant Episcopalianism, or the Church of England, as it was there then called. The precise form in which the connection between Church and State subsisted also varied in the different colonies, and, in some of them, underwent various modifications from time to time; but in all of them alike it continued to exist, in one form or another, until the time of Independence and the final separation from the mother country.

It was with fear and trembling, in many cases, that the old system was abandoned; and Dr. Lyman Beecher, some years later, speaking of the day on which the new law came into operation in Connecticut, said: "It was as dark a day as ever I saw. The injury done to the cause of Christ, as we then supposed, was irreparable. For several days I suffered what no tongue can tell. And yet," he adds, "it was the best thing that ever happened to the State of Connecticut. It cut the Churches from State-support; it threw them wholly on their own resources and on God. They said that ministers would lose their influence; the fact is, they have gained."

The Rev. Dr. Reed, joint author with Dr. Matheson of *A Visit to the American Churches*, published in 1835, not many years after the change, says:—

"I have sought out, and communed with the survivors of those who resisted the abolition of State-aid, and in every instance they have acknowledged that they were wrong; that their fears were groundless; and the transition has brought with it only good, and good in a degree for which they could not have hoped."

"The Episcopalians of Virginia, the Congregationalists of New England, who had been indulged and protected to the utmost, were equally in favour of the new principle. Men of every denomination—the Methodist, the Baptist, the Presbyterians, the Reformed, the Lutheran, the Churchman, and the Independents, all deprecated State-interference and State-allowance. Men of every region—the east, the west, the north, the south—and who are most deeply concerned for the interests of religion, agree in coming to the same conclusion. Indeed, such unanimity of opinion on a practical question, involving the interests of so many parties, and to be determined mostly by those whose habits and thoughts had been associated only with the old system is what I never expected to find." ¹

¹ Reed and Matheson's *Visit*, vol. ii., p. 140.

The Hon. G. Bancroft, the historian of the United States, bears a similar testimony. He says:—

“The complete separation of the Church and State by the establishment of perfect religious equality was followed by the wonderful result, that the separation was approved of everywhere, always and by all. The old Anglican Church, which became known as the Protestant Episcopal, wished to preserve its endowments, and might complain of their impairment; but it preferred ever after to take care of itself, and was glad to share in that equality which dispelled the dread of Episcopal tyranny, and left it free to perfect its organisation according to its own desires. The Roman Catholic eagerly accepted in America his place as an equal with Protestants, and soon found contentment and hope in his new relations. The rigid Presbyterians proved in America the supporters of religious freedom. They were true to the spirit of the great English Dissenter who hated all laws that were formed—

‘To stretch the conscience and to bind
The native freedom of the mind.’

In Virginia, where alone there was an arduous struggle in the Legislature, the presbytery of Hanover took the lead for liberty, and demanded the abolition of the establishment of the Anglican Church, and the civil equality of every denomination; it was supported by the voices of Baptists and Quakers and all the sects that had sprung from the people; and after a contest of eight weeks the measure was carried, by the activity of Jefferson, in an assembly of which the majority were Protestant Episcopalians. The determination to leave truth to her own strength, and religious worship to the conscience and voluntary act of the worshipper, was the natural outflow of religious feeling.”¹

These are early testimonies; but, after the experience of more than half a century, the feeling in America is unchanged as to the advantages of the Free Church system. Mr. Bryce, in his “*American Commonwealth*,” says:—

“There seem to be no two opinions on this subject in the United States. Even the Protestant Episcopalian clergy, who are in many ways disposed to admire and envy their brethren in England; even the Roman Catholic bishops, whose creed justifies the enforcement of the true faith by the secular arm, assure the European visitor that if State-establishment were offered them they would decline, preferring the freedom they enjoy to any advantage the State could confer. . . . So far from suffering from the want of State-support, religion seems in the United States to stand all the firmer, because standing alone she is seen to stand by her own strength. No political party, no class in the community, has any hostility either to Christianity, or to any particular Christian body. The Churches are as thoroughly popular, in

¹ *History of the United States*, vol. ix., p. 274.

the best sense of the word, as any of the other institutions of the country. . . . The influence of Christianity seems to be, if we look not merely to the numbers, but also to the intelligence of the persons influenced, greater and more widespread in the United States than in any part of western continental Europe, and I think greater than in England." ¹

THE EXPERIENCE OF THE COLONIES.

The British Colonies in all parts of the world supply evidence in favour of the Free Church system which is equally conclusive with that furnished by the United States.

Canada.—In Canada the system of State-aid to religion was brought to an end in 1854, by the secularisation of what were known as the "Clergy Reserves," and the result has been in the highest degree beneficial.

The late Rev. Edwin Hatch, D.D., Vice-Principal of St. Mary's Hall, Oxford, and formerly rector of the High School, Quebec, says:—"It was thought and asserted that the spoliation of the Church threatened almost the existence of the lamp of the Gospel." But he adds: "Since the Act of 1854 the Anglican Church in Canada has made material progress, and the Church's apparent loss has been its real gain." ²

Mr. Goldwin Smith, speaking generally as to the results of disestablishment in America and Canada, says:—

"I have lived both in a Canadian city and in a country town of the United States. I am much mistaken if society and life are not fully as religious there, under the free system, as they are in England under that of a State-Church. Unquestionably there is far more respect for religion than there is in France, where, as Lord Selborne reminds us, the Church is still established, but where, in a 'Librairie Anticléricale,' the most hideous blasphemy is openly sold. The Church in America and Canada is, I should say, to as great an extent as in England, the centre of philanthropic effort and even of social life. There is fully as much building of churches and as much church-going as in England, and the Sunday is as well kept." ³

¹ *The American Commonwealth*, vol. iii., pp. 469-483.

² *Macmillan's Magazine*, Oct., 1868.

³ *Nineteenth Century*, Oct., 1891.

The Australian Colonies.—The testimony in favour of Free Church principles is equally satisfactory from the Australian Colonies.

The movement for disestablishment there was commenced early, and in New South Wales, where not only the Anglican Church, but the Roman Catholics, the Presbyterians, and the Wesleyan Methodists were in receipt of State-aid, this public support was finally withdrawn in 1850, and all Churches were thenceforth thrown upon the support of their own people. Seventeen years afterward, in 1867, Mr. Anthony Forster, in his history of the Colony, says :—

“The necessity of self-reliance imposed upon the Churches has not injured, but benefited them, to a considerable extent. One Church has been stimulated by the efforts of another, and a healthy rivalry has been created, which has led to greater results in every way than could have been achieved under a system of religious endowments.

“ . . . Since the abolition of the State grant in aid of religion in the colony, the various Churches have not only been more vigorous and useful in their respective spheres, but the jealousies and animosities to which that grant gave rise have entirely disappeared, and the tone of Christian society has been improved and elevated.”

All later evidence is to the same effect. The writer of a series of articles in the *Times*, on “The Commonwealth of Australia,” says :—

“There is no State-Church in Australasia. In the very early days the rulers attempted to set up ‘denominational monopoly,’ as the colonists prefer to put it, in the mother colony, but the test of time showed that it was alien to the spirit of a ‘level-ranked’ citizenship, the only citizenship tolerable in a young nation of proud origin, and it was abandoned. Except for gifts of land as sites for churches in new townships, the sects are not indebted to the State. They exist by the right of their own strength; and that strength is the doing of good. . . . The absence of denominational monopoly, of the social (and separating) superiority it confers, is slowly working out an admirable result. The Anglican clergyman, as such, is less than he was; the Christian minister inside the Anglican clergyman is more. Indwelling Christian equality is getting increased outward acknowledgment. So far as the Protestant laity are concerned, the old denominational barriers, offensively arrogant, have almost ceased to exist; amongst the clergy, also, they are crumbling away. The disappearance of the barriers means—first, co-operation, and, ultimately, perhaps, union.”¹

¹ *Times*, Sept. 29th, 1891.

New Zealand.—In New Zealand there has never been any formal connection between Church and State, and a correspondent of the *Guardian* (Nov. 11th, 1891) says:—

“Though the [Anglican] Church, perhaps it might be put *because* the Church, has never been established in New Zealand, she holds a very influential position here.” Again he says, “Never before in her history has the New Zealand Provincial Church had so strong a hold upon the people. Numerically larger than all other bodies put together, she is now justifying her existence by fast working her way to the position of being the Church of the country.”

South Africa.—In South Africa the advantages of the Free Church system have been equally marked. In the discussion on “Church and State” in the Church Congress, at Croydon, in 1877, Dr. Merriman, the late Bishop of Grahamstown, produced a great impression by his emphatic declaration on the subject. He said:—

“I have been for thirty years a member of a non-established Church, which has had to solve most of the questions which have been mooted to-day, according to the practice which was referred to yesterday, namely, *solvitur ambulando*. With respect to the dissenting bodies, I must say that our relations towards them are very different to what they are in this country. Peace and harmony subsist between us, simply because there is no jealousy of the same kind that there is here. We are regarded by our fellow-Christians of a different communion as a spiritual body; our courts are spiritual courts; our canons are not mere waste paper; they are not a by-word for their inapplicability to the circumstances under which we exist; our canons are living canons, guiding our conduct, and are recognised by the courts of the country as such. One of the preceding speakers spoke of the existence of the Church as being imperilled, but I am sure he only meant by that the existence of the Establishment. I would never say one word to assist, or raise one finger to forward, the disestablishment of the English Church, but at the same time I would rather resign my ministry than again put my neck under the yoke of the Church as it exists in England.”¹

The West Indian Colonies.—In Jamaica the results of the abolition of State-aid to religion, which took place in 1870, was seen in a marvellous development of Church-life, and a constantly increasing contribution for religious purposes. The *Record* (August 12th, 1881) quotes from the *Jamaica Churchman* the following suggestive figures as to

¹ *Official Report*, pp. 305-6.

the annual income of the Church of England in Jamaica, exclusive of contributions for repairs and buildings, for the ten years following its separation from the State:—

		£	s.	d.			£	s.	d.
1870	...	4,238	15	5	1875	...	9,436	8	8
1871	...	5,103	2	7	1876	...	10,378	19	8
1872	...	7,501	14	3	1877	...	10,968	0	9
1873	...	7,802	6	2	1878	...	12,784	6	7
1874	...	8,773	15	6	1879	..	14,674	14	0

In other West Indian islands the withdrawal of State-aid has led to equally striking results. At the Pan-Anglican Synod, in 1878, Bishop Mitchinson spoke of his diocese of Barbadoes and the Windward Islands as suffering from the "paralysis of establishment." But in 1881, at the Newcastle Church Congress, he was able to use very different language. He said:—

"When I come to compare State-established Barbadoes with the disestablished Windward Islands, I note that during the whole period of my administration of Barbadoes, though we talked much in our Church Council, we never succeeded in making one real distinct step forward in adapting ourselves to changing circumstances. In the disestablished diocese of the Windward Islands, on the other hand, although there was strenuous resistance to disestablishment on the part of the clergy and a large section of the laity, when once it was a *fait accompli*, and we were brought face to face with the necessity of reconstruction and self-support, Church-life did, as a matter of fact, develop itself with wonderful spontaneity; and I have no hesitation in saying that in the disestablished islands the education of each little Church in the ways in which the Church should legislate for itself and provide for itself was an unexpectedly rapid process. If you ask me in what respects, I may mention the much greater interest which the laity took in Church questions. . . . It was encouraging to observe the growth of tolerance which took place, and how the laity worked cordially and as possessing a common interest with the clergy, with the result of a large introduction into those councils of that practical common-sense which is of such importance in ecclesiastical assemblies. . . . Another step gained under disestablishment was improved clergy discipline. . . . Again, we are able to adapt ourselves with singular facility and readiness to the circumstances and wants of West Indian life."¹

Ceylon.—In Ceylon, where State-aid to religion was

¹ *Official Report*, pp. 182-3.

abolished so recently as 1881, and five years of grace were given before the "Disendowment Ordinance" took effect, there has been but a short period for judging of its effects; but there appears to be a general agreement that it has been decidedly beneficial.

Mr. J. Fergusson, the editor of the *Ceylon Observer*, in a statement made to the Committee of the Liberation Society in December, 1891, says:—

"The adoption of the principles of the Liberation Society has already borne striking and most satisfactory fruit. I am enabled, on Bishop Copleston's own authority, to tell you that the diocese of Colombo shows no signs of weakness in consequence of the withdrawal of State-aid. . . . I have no hesitation in saying that disestablishment has produced a more charitable and brotherly feeling among the different bodies of Christians, and brought them more into line in their aggressive work on heathenism."

Speaking generally of the results of disestablishment in the Colonies, the *Ceylon Observer*, of June 3rd, 1874, well observes:—"The result of disestablishment in the Colonies has been that all parties, statesmen, bishops, Church dignitaries, and clergymen, bear testimony with one accord to the blessedness of the change that has come over them since the props have been struck from beneath the Established Church tent; the Church exults in its liberty, and the clergy are astonished to find that, by an appeal to the liberality of their supporters, they find a far better means of upholding all their ecclesiastical arrangements than when they were leaning upon beggarly gifts from the State Exchequer."

RESULTS OF DISESTABLISHMENT IN IRELAND.

It is to Ireland, however, that those who are doubtful as to the practical results of disestablishment will look for evidence as to what will be its probable effect in other parts of the United Kingdom; and it may now be confidently stated that, notwithstanding the troubled political condition of Ireland in recent years, nowhere have the advantages of disestablishment been more conspicuously displayed.

When the Act for the Disestablishment of the Irish

Church (32 & 33 Vict. c. 42, 1869) was under consideration, it was predicted that it would result in the disorganisation and ruin of the Church. The Archbishop of Armagh insisted that "over the greater part of the island disendowment meant nothing short of extinction." Lord Cairns predicted that "the thinly-sprinkled Protestant population would either emigrate or be absorbed by the Church of Rome." The Church Defence Institution also urged that "disendowment would practically drive Protestantism from the south, and from many parts of the east and west of Ireland." There were also predictions of financial failure, of weakened moral power, and of hopeless internal divisions. Not only have none of these anticipations of evil been verified, but it is admitted by Irish Churchmen themselves that disestablishment has been the means of doing immense good to the Church, and that at the present time it is in a most prosperous and flourishing condition.

In Ireland, as elsewhere, the beneficial results of disestablishment speedily became apparent. The Irish Church Act came into force in 1871, and in 1875 the *Christian Observer*, in a series of articles on "Four Years' Experience of Disestablishment," thus pictures the energy which it had called forth:—

"The new spectacle was everywhere seen in Ireland of noblemen, country squires, manufacturers, men of business, farmers, and shopkeepers, flocking to their extemporised synod halls, and every man exhibiting his eloquence, or exercising his newly obtained franchise, in the service of the Church. A new life seemed to have been breathed into the slumbering Church. . . . The most remarkable fruit of disestablishment is, unquestionably, the impulse it has given, not merely to the reforming zeal, but to the organising and legislative activity of the most eminent aristocratic, professional, and mercantile laymen of Ireland."

The evidence as to the prosperous condition of the disestablished Church has come from both the great Church parties. In July, 1880, *The Record*, the leading organ of the Evangelical party in England, wrote:

"The devotion of the clergy, and the practical result of their labours in the rescue of increasing numbers of converts from the dark-

ness of Romanism, show that disestablishment and spoliation have rather quickened than extinguished spiritual life in Ireland. The activity that exists in every department of the Irish Church is indicative of vigorous existence."

The Ritualistic *Church Times* is equally explicit, and on February 17th, 1882, declared that—

"There is more life, more true activity, more even of Church feeling and Church doctrine, visible in Ireland now than at any time since the Reformation."

In 1881, *The National Church*, the organ of the Church Defence Institution, endeavoured to make capital out of the condition of the Irish Church, and, as the result, called forth an indignant rebuke from *The Irish Ecclesiastical Gazette* (December 10th, 1881), protesting against the disestablished and disendowed Church of Ireland, being "held up as a warning to the English Church," as a course "entirely unworthy" of the English journal. *The Gazette* continued :

"It is wonderful what Irish Churchmen have done during the past ten years for their Church—*certainly more than for hundreds of years previous*—cathedrals built or restored; churches built, rebuilt, and adorned; glebe houses erected all over the country."

In 1892 the *Western Mail*, the principal Conservative newspaper of Wales, with the view of obtaining for itself direct evidence as to the results of disestablishment in Ireland, sent a special Commissioner to investigate the subject; and in a series of papers he gave the result of his inquiries and observations.

On November 8th, 1892, he reports the Archbishop of Dublin as saying :—

"When I count up the advantages which have followed disestablishment; when I think of the renewed strength and vitality which our Church has derived from the admission of the laity to an active and responsible participation in her counsels, in the disposition of her patronage, and in the financial departments of her work; when I observe the spirit of unity and mutual respect which has been engendered by the ordeal of our common adversity and the increased loyalty and love which is being daily shown to their Mother Church by those who have had to make some sacrifice on her behalf; when I remember, too, the freedom from agrarian complications which our

disconnection from all questions of tithe and tithe rent-charge has brought about, and the more favourable attitude as regards our influence upon the surrounding population which we occupy because of our severance from any State connection—when I remember all this counterpoise of advantage which we enjoy in our new and independent position, and when I try to hold the balance evenly and weigh the losses and the gains of the whole, I say boldly and without reserve that in my opinion at least, the gain outweighs the loss.”

Asked whether any of the poor and remote parishes had been, in fact, left without ministers by reason of disestablishment, the Archbishop replied :—

“No, in the case of remote and thinly populated parishes two or more have been grouped together, and where formerly each parish had its incumbent, one incumbent has now to do duty in a parochial district composed of two or more united parishes, and the congregations have to travel much farther from their homes to hear Divine service; but I may safely say that, notwithstanding our troubles, there is no single parish, however remote, which has been left without the means of grace.”

Asked, “Has there been any increase in the contributions of the laity to the Church since its disestablishment?” the Archbishop replied :—

“Most certainly; a very considerable increase has taken place, and, notwithstanding the burden of being obliged to provide for the support of the clergy mainly out of the voluntary offerings of the laity, very considerable sums have been contributed to the Church Sustentation Fund, amounting in the aggregate to nearly four millions sterling. Since the date of disestablishment, half a million of money has also been spent, as can be easily proved, in the restoration and renovation of churches, and this has been done without in any way neglecting missionary work and other objects of benevolence and charity. It has, undoubtedly, proved to have been for the good of our Church that it has been thrown upon its own resources. Had we received large subsidies from England at the time of disestablishment, and had we seen reason to expect more assistance in the future, the liberality of our own people would assuredly not have been stimulated as it has been, nor would they have been drawn in the same degree to their own Church by those feelings of loyalty and attachment which have been begotten by the very fact that they have made sacrifices on her behalf.”

The Commissioner gives many similar testimonies from other dignitaries and clergymen, as well as from laymen; and, as the results of his own observations, he says :—

“There never was such a keen and intense interest displayed in

the affairs of the Church of Ireland from the time of the Reformation as there is to-day, and this interest is not confined to the clergy alone. Laymen everywhere throw themselves into the work of the Church with a zealous and earnest enthusiasm never before experienced, and this zealous co-operation of clergy and laity is not only to be found in the cities and towns, but in the country districts also—not in Ulster only, but in the three other provinces as well. Church work is, doubtless, more obvious in Ulster and Leinster than in Munster and Connaught; but even in the most remote districts of the west, where two or three Church people can gather together, they appear to be endowed with more life since the Church was disestablished than ever they were before. No matter what place I stayed at on my journey, wherever there was a church I found some evidence—as well in the church buildings as in the members of the Church—of renewed life. Whether in a large town like Belfast, with its twenty churches, or in a remote country parish, I could not help remarking the increased activity of the Church, as compared with what it was only five and twenty years ago.”

The *Review of the Churches*, for Dec., 1892, contains additional evidence of the same kind.

The Bishop of Cork states that, while the Church has had great difficulties in supplying the needs of the thinly-scattered Church populations of the south and west, “no post where a congregation is to be found has been abandoned,” and that “congregations have been united with a decided gain in the way of efficiency and increased interest.” The Bishop adds:—

“The energy and activity of the Church in the large centres of population is undeniable. There is a growing interest in the progress of missionary work throughout the world, and notwithstanding all the difficulties of the country, an increase in the amount of voluntary contributions for missionary work and in the number of volunteers for service in the mission field, there is a growing desire to break down the barriers that separate the followers of Christ one from the other.”

It is impossible to gainsay evidence of this description. And although the journals of the Establishment in England have given but the most meagre notices of it, the truth will become known, and will have a powerful effect in promoting the cause of disestablishment.

CHAPTER XV.

PROGRESS OF THE MOVEMENT.

IN one sense the movement for the separation of Church and State may be said to have begun with the passing of the Toleration Act ; for the possibility of all which has since happened was really involved in that measure. So long as the Church established by law was the only Church legally permitted to exist, in a certain sense, the Establishment was secure. But, with the legal toleration of Dissent, it obviously became possible, that in the course of time its adherents might outnumber those of the Establishment, and procure its downfall. The Toleration Act (1 William & Mary, c. 18) was one of the first fruits of the Revolution of 1688 ; and although it was simply "An Act for exempting their Majesties' Protestant subjects, dissenting from the Church of England, from the penalties of certain laws," it carried with it the promise of far greater results in the future.

But a long and dreary interval succeeded before any further concessions were made to the claims of justice in regard to Nonconformists. In the time of Queen Anne, indeed, the concession made in the previous reign was seriously imperilled ; and Mr. H. S. Skeats in his "History of the Free Churches of England" well says:—

"Anne was no sooner seated on the throne than it became evident that the liberties of Dissenters were in danger of serious restrictions. The High Church tendencies of the Queen were well known, and it was confidently anticipated that she would view with favour the desires of the clergy to limit the operation of the Toleration Act. Dissenters were everywhere insulted ; their ministers could scarcely walk the streets with safety : High Church ballads, all ending with the refrain of 'Down with the Presbyterians,' were composed and sung by drunken mobs under newly-erected Maypoles. 'Queen Mary's bonfires' were hinted at for the effectual extirpation of obstinate schismatics ; people talked of pulling down the meeting-houses as places that should not be

suffered to exist, and, at Newcastle-under-Lyne, they carried this desire into execution.”¹

One of the last acts of Queen Anne was to give her assent to the Schism Bill (1714), which was designed to eradicate Dissent by suppressing the institutions for the education of its ministry. Fortunately, however, the death of the Queen reduced the Act itself to a dead letter; and this last measure passed by the British Parliament for the repression of religious liberty failed to take effect.

REPEAL OF THE TEST AND CORPORATION ACTS.

It was not until the great uprising of public opinion in the times immediately preceding and following the Reform agitation of 1831-32, that any further measures were passed to extend the bounds of religious freedom. The first of these was the Act (9 Geo. IV. c. 17) carried by Lord John Russell in 1828, for the repeal of the Test and Corporation Acts. Under the operation of those laws, no one who declined to proclaim himself a member of the Established Church, by partaking of the Sacrament of the Lord's Supper in his parish church, could hold any office of trust or emolument under the Crown, or in connection with any municipal corporation. The law and its administration were alike a scandal to religion. The poet Cowper had long before denounced its provisions; which—

“By statute shoved from its design
The Saviour's feast, His own bless'd bread and wine,
And made the symbols of atoning grace,
An office key, a picklock to a place.”

But the test was vehemently defended by men like Sir Robert Inglis and Lord Eldon; and, although Lord John

¹ *History of the Free Churches of England*, pp. 196-7. A new edition of this admirable work, brought down to the present time, by Mr. C. S. Miall, was published in 1891, and should be in the hands of every student of the religious history of the nation. See also *Progress from Toleration towards Religious Equality from 1688 to 1888*, by Mr. Carvell Williams, M.P.—one of the ‘Bicentenary Lectures,’ commemorative of the Revolution of 1688, published by the Congregational Union of England and Wales.

Russell carried his measure, it was encumbered with an offensive declaration, substituted in the place of the sacramental test, which gave rise to another agitation in after years. The terms of the Act are significant; and show how jealously these concessions to the growing spirit of freedom were guarded, by precautions for the maintenance of the political supremacy of the Church establishments. It first repeals the clauses of the Acts of Charles II. imposing the test, and it then recites that—

“Whereas the Protestant Episcopal Church of England and Ireland, and the Protestant Presbyterian Church of Scotland, and the doctrines, discipline, and government thereof respectively, are, by the laws of this realm, severally established *permanently* and *inviolably*; and whereas it is just and fitting that on the repeal of such parts of the said Acts as impose the necessity of taking the sacrament of the Lord's Supper according to the rights and usages of the Church of England as a qualification for office, a declaration should be substituted in lieu thereof; be it therefore,” &c., &c.

The Act accordingly proceeds to impose upon every one who shall hereafter occupy the office of mayor, alderman, recorder, bailiff, town clerk, or common councilman, or any office of magistracy, or place, trust, or employment relating to the government of any city, corporation, &c., &c., the declaration before-mentioned.

CATHOLIC EMANCIPATION.

In the following year (1829), after an agitation in Ireland which amounted almost to civil war, another advance was made by the passing of the Catholic Emancipation Act, which conceded to Roman Catholics the right to sit in Parliament. The Act (10 Geo. IV. c. 7) makes it “lawful for any person professing the Roman Catholic religion, being a Peer, or who shall be returned as a member of the House of Commons, to sit and vote in either House, being in all other respects duly qualified”; and it declares Roman Catholics eligible for any appointment except that of guardian and justice of the United Kingdom, Lord Lieutenant of Ireland, Lord Chancellor, or the Lord Keeper of the Great Seal.

MARRIAGE AND REGISTRATION ACTS.

The next great recognition of the rights, not only of Nonconformists, but of the nation at large, was the passing in 1836 of the Marriage and Registration Acts (6 & 7 Will. IV. c. 85 and 86), which permitted the celebration of marriages and the registration of births, deaths, and marriages, elsewhere than in connection with the Church Establishment.

WITHDRAWAL OF THE ENGLISH REGIUM DONUM.

The first legislative success which the Liberation Society achieved was in obtaining the withdrawal of the English Regium Donum. It originated with Sir Robert Walpole, in 1723, and was for the benefit of necessitous Dissenting ministers and their widows. Those who received, or distributed, it insisted that it was not an ordinary State grant, but, as its name implied, was a gift of the Sovereign out of his hereditary revenues. The great body of English Dissenters, however, objected to it, as being inconsistent with their avowed principles. They therefore petitioned Parliament to discontinue it, and their representatives repeatedly spoke and voted against it; but it was carried year after year by the votes of supporters of the Establishment. At length, in 1852, the opposition was successful, and the grant was discontinued.

ADMISSION OF JEWS TO PARLIAMENT.

In 1858 the Acts 21 & 22 Vict. c. 48 and 49, admitted the Jews into Parliament; the second of the two Acts providing that:—

“Where it shall appear to either House of Parliament that a person professing the Jewish religion, otherwise entitled to sit in such House, is prevented from so sitting and voting by his conscientious objection to take the oath,” &c., “such House, if it think fit, may resolve that henceforth any person professing the Jewish religion, in taking the said oath, may omit the words ‘upon the true faith of a Christian.’”

The Act provides that no person of the Jewish religion shall be capable of holding the office of Lord Chancellor

of Great Britain or Ireland, Lord Lieutenant or Chief Governor of Ireland, or High Commissioner of the General Assembly of the Church of Scotland.

BURIAL LAW REFORM.

In 1852 an important step was taken in burial law reform, as the direct outcome of the Society's efforts. In the new public cemeteries then authorised, in place of the closed burial grounds in populous towns, it was provided (15 & 16 Vict. c. 85) that the Burial Board "shall set apart a portion thereof which shall not be consecrated, and may build thereon a suitable chapel for the performance of funeral services." This provision placed Non-conformists and Churchmen on a footing of equality in the public cemeteries. In 1856—as the result of the action of Dr. Phillpotts, the Bishop of Exeter, in refusing to consecrate a portion of the cemetery at Tiverton, unless it was separated from the ground to be left unconsecrated, by a wall rising four feet above the surface—it was declared by 20 & 21 Vict. c. 81, s. 11, to be "not necessary to erect any wall or fence between the consecrated and the unconsecrated portion of any burial ground," and simply provided that where there was no wall or fence, boundary marks of stone or iron were to be placed so as to show the respective boundaries. The Established Church still had an exclusive monopoly in the parish burial grounds; but in 1880 the Act (43 & 44 Vict. c. 41) carried burial law reform still farther by authorising both in churchyards and the consecrated portion of cemeteries burial services other than those of the Established Church.¹

¹ There is still required a measure relieving burial authorities from the obligation to divide cemeteries into consecrated and unconsecrated parts, and to build two chapels. In other words, consecration should be optional, and be a strictly religious ceremony, involving no legal privileges or disabilities, nor any claims to fees, or other exactions. When the church is disestablished, it may be assumed that the control of *parish churchyards* will be vested in the representatives of the parishioners.

THE CHURCH-RATE STRUGGLE.

The struggle for the abolition of church rates extended over a period of nearly forty years, and excited the keenest interest both in and out of Parliament. Very early Rochdale, Manchester, and other large towns, after much turmoil and excitement, settled the question for themselves by refusing to pay the rates. The decision of the House of Lords in 1853, in the celebrated Braintree case, that no rate could be enforced which had not been carried by a majority of votes, greatly aided the movement. Throughout the country the vestry meetings, called for making the rates, were converted into demonstrations against the Establishment; and the frequent seizures and sales by auction of the goods of those refusing to pay, added much bitterness to the controversy. In 1859 a committee of the House of Lords professed to "discover" the "ulterior purposes" of the Liberation Society in the agitation, and greatly alarmed the clergy. The result was seen in diminished majorities for abolition in the House of Commons, until in 1861 the Abolition Bill was rejected by the casting vote of the Speaker, amidst a scene of the wildest excitement. But no proposal for a settlement except that of abolition found favour; and in 1863 the struggle was closed by the passing of a Bill brought in by Mr. Gladstone. This measure (31 & 32 Vict. c. 109) does not prohibit the making of a church rate, but simply provides that henceforth, "no suit shall be instituted or proceeding taken in an ecclesiastical or other court, or before any justice or magistrate, to enforce or compel the payment of any church rate made in any parish or place in England or Wales."

The prolonged struggle on the subject of church rates did much to deepen the dislike of the country to the whole Establishment system. In 1858, Archbishop Howley declared that—

"It was essential to the permanent welfare of the Church of England that there should be a legal provision for the sustentation of its fabrics and the maintenance of its services," and that "if no legal provision was left for the repair of the churches, another generation would see many of them in dilapidation and ruin."

So little faith had the authorities of the Establishment in the zeal and liberality of its own adherents !

OPENING OF THE GRAMMAR SCHOOLS.

In 1858 the Court of Chancery decided, in the case of the Ilminster Grammar School, that, notwithstanding the usage of 150 years to the contrary, as the master was required to be "an honest and discreet person," capable of instructing the scholars "in all godly learning," no one but members of the Church of England could act as trustees of the school. This decision, following upon others restricting the rights of Dissenters to the advantages of these schools, raised a demand for legislation on the subject. In 1860 the Endowed Schools Act (23 Vict. c. 11) admitted the children of all denominations, with liberty of withdrawing from the religious instruction ; while in 1869 the 32 & 33 Vict. c. 56, opened the governing bodies of the schools to all denominations.

QUALIFICATION FOR OFFICES ACT.

In 1866, after having been five times rejected by the House of Lords, Mr. Hadfield's Qualification for Offices Bill was passed, which abolished the offensive declaration substituted in 1828 for the sacramental test. By this declaration municipal and other public officers promised that they would not exercise any power, authority, or influence, possessed in virtue of their office, "to interfere with or weaken the Protestant Church as by law established in England, or to disturb the said Church, or the bishops and clergy of the said Church, in the possession of any rights or privileges to which the said Church and the said bishops and clergy are or may be by law entitled." The late Lord Derby admitted that the declaration was not worth the paper on which it was written, but he supported it because it acted as a "muzzle" upon the Dissenters. The Act abolishing the declaration (29 Vict. c. 22) declares that "it is inexpedient that it should be necessary" to make any such declaration, and provides that "it shall not be obligatory" to do so.

OFFICIAL ATTENDANCE AT PLACES OF WORSHIP.

In the following year (1867) the Act 30 & 31 Vict. c. 75, entitled "An Act to remove certain religious disabilities affecting some of Her Majesty's subjects," &c., provides that :—

"Every person holding any judicial or civil or corporate office may attend and be present at any place of public meeting for religious worship in England, Ireland, or Scotland, in the robe, gown, or other peculiar habit of his office, or with the ensign or insignia of or belonging to the same, without incurring any forfeiture of office, or penalty for such attendance."

LORD CHANCELLORSHIP OF IRELAND, &c.

The same Act (30 & 31 Vict. c. 75) removes the disqualification formally imposed upon Roman Catholics in Ireland in respect to certain offices, by the Emancipation Act of 1829, and upon Jews by the Acts 21 & 22 Vict. c. 48 & 49. It provides that—

"Every subject of Her Majesty shall, after the passing of this Act, be eligible to hold and enjoy the office of Lord Chancellor of Ireland, or Lord Keeper or Lord Commissioner of the Great Seal in Ireland, without reference to his religious belief," &c.

The Act also makes provisions with respect to oaths of office, and affirmations in lieu of oaths.

NATIONALISATION OF THE UNIVERSITIES.

In no department of the great struggle for equal rights for all citizens has there been achieved a more marked and gratifying success than in the effort freely to open to the nation the great seats of learning at Oxford and Cambridge. This result is due in great part to the fact that, from the first, an earnest band of University reformers have co-operated with the friends of religious equality, prompted by the conviction that the narrow and sectarian basis on which the Universities were administered, was as injurious to the cause of learning as it was unjust to all who could not subscribe to the formularies of the Established Church.

Previously to 1854 the honours and rewards of the Universities were almost exclusively monopolised by the members of the favoured sect. Canon Perowne says:—

“Well nigh all the honours, all the emoluments, all the offices, all the influence which the University and the colleges had to bestow were limited to members of the Established Church, while a large share of the more important posts could only be filled by clergymen.”¹

But in that year the Oxford University Act (17 & 18 Vict. c. 81), threw open the scholarships and the degree of Bachelor of Arts. Two years after, the Cambridge University Act (19 & 20 Vict. c. 88), with greater liberality, threw open, in addition, the degree of Master of Arts. Partly for this reason, Cambridge became the favourite University with Nonconformists; and they speedily distinguished themselves by winning the highest places in the examinations. In eighteen out of the twenty-nine years, from 1860 to 1889, the Senior Wrangler was a Nonconformist; although, until 1871, they could obtain nothing beyond the barren honour of the position. But, in 1871, the “Act to alter the law respecting religious tests,” threw open all University offices, with the exception of professorships in divinity, to all Her Majesty’s subjects, and all college offices, with the exception of the so-called “clerical fellowship” and headships. The language of the Act (34 Vict. c. 26) is significant. It runs—

“Whereas it is expedient that the benefits of the Universities of Oxford, Cambridge, and Durham, and of the colleges and halls now subsisting therein, as places of religion and learning, should be rendered freely accessible to the nation:

“And whereas, by means of divers restrictions, tests, and disabilities, many of Her Majesty’s subjects are debarred from the full enjoyment of the same:

“And whereas it is expedient that such restrictions, tests, and disabilities should be removed, under proper safeguards for the maintenance of religious instruction and worship in the said universities and the colleges and halls now subsisting within the same:

“Be it enacted . . . From and after the passing of this Act no person shall be required . . . to subscribe any article or formulary of faith, or to make any declaration or take any oath respecting his religious belief or profession, or to conform to any religious observance,

¹ *Report of Stoke Church Congress, 1875, p. 340.*

or to attend or abstain from attending any form of public worship, or belong to any specified church, sect, or denomination; nor shall any person be compelled, in any of the said universities or any such college as aforesaid to attend the public worship of any church, sect, or, denomination to which he does not belong: Provided," &c., &c.

In 1882 this large measure of reform was supplemented by the action of the University Commissioners appointed under an Act passed in 1877, who have thrown open, with some exceptions, the headships and fellowships of the various colleges, and made them eligible to persons of merit without regard to ecclesiastical distinctions. If the principle of religious equality has not yet been applied to all the details of the University system it has been completely recognised in law.

DISESTABLISHMENT OF THE IRISH CHURCH.

The Disestablishment of the Irish Church was really the beginning of the end. The repeal of the Test and Corporation Acts, Catholic Emancipation, the admission of Jews to Parliament, the opening of the Universities to Dissenters, the abolition of compulsory Church Rates, and other similar measures, merely diminished the oppressiveness of the Establishment system, without vitally affecting its principle. But the "Act to put an end to the Establishment of the Church of Ireland" (32 and 33 Vict. c. 43), so far as one part of the United Kingdom is concerned, put an end to the system itself. It was a formal abandonment by the State of the attempt to care for the religious interests of the people. The results of that measure, as was shown in the preceding chapter, have been such as amply to vindicate the wisdom of its authors. It has wholly removed one ground of dissatisfaction in Ireland, and it has been of great benefit, not only to the disestablished Church, but to the cause of religion itself.

But the Disestablishment of the Irish Church created a precedent, and initiated a policy. It is immaterial that it was not so intended at the time. The Irish Church Act, therefore, not only marks a turning point in our national policy, but, in its object and leading features, it lays down

the lines along which the ecclesiastical legislation of the future must necessarily travel. Nobody dreams that the Protestant Episcopal Church of Ireland can ever be re-established, or that any other Church can be established in its place. And with the legal equality of all Churches formally recognised by law in one part of the three kingdoms, it is inevitable that, sooner or later, the same even-handed justice must be done in the other parts also.

DISESTABLISHMENT INEVITABLE.

The question of Disestablishment has now become the irrepressible question of our time. In the opinion of friends and foes alike, it is hastening to its settlement; and there is no second opinion as to the final issue. The utmost that the friends of the Establishment hope for is to delay the inevitable for a while. It is admitted on all sides that the future belongs to religious equality. Dr. Alford, the late Dean of Canterbury, long ago declared his conviction that, "Whether years, or decade of years, be taken for the accomplishment of the severance of the Church from the State, however it may be deprecated, and however opposed, accomplished it will certainly be. History has for ages been preparing its way; in past changes it has been conceded over and over again; God's arm is thrusting it on, and man's power cannot keep it back."

¹ *Essays and Addresses*, p. 166 (1869).

CHRONOLOGICAL TABLE OF RELIGIOUS LIBERTY AND EQUALITY MEASURES.

1689. The Toleration Act PAGE
246
(1 Will. & Mary, c. 18).

“Act for exempting their Majesty’s Protestant subjects dissenting from the Church of England from the penalties of certain laws.”

1779. Extension of the Toleration Act
(19 George III. c. 44.)

“Act for the further relief of Protestant Ministers and Schoolmasters,” relieving them from subscription to the Thirty Nine Articles, but imposing instead an oath and a declaration against Popery, since repealed by 34 & 35 Vic. c. 48, 1871.

1813. Further extension of Toleration Act, &c.
(53 George III. c. 160.)

“Act to relieve persons who impugn the doctrine of the Holy Trinity from certain penalties.” And to repeal Scotch Acts imposing the penalty of death for blasphemy.

1817. Extension of preceding Acts to Ireland.
(57 George III. c. 70.)

“Act to relieve persons impugning the doctrine of the Holy Trinity from certain penalties *in Ireland*.”

1828. Repeal of the Test and Corporation Acts 247

(9 George IV. c. 17.)

“Act for repealing so much of several Acts as impose the necessity of receiving the Sacrament of the Lord’s Supper as a qualification for certain offices and employments.”

1829. Catholic Emancipation Act 248

(10 George IV. c. 7.)

“Act for the relief of His Majesty’s Roman Catholic subjects,” making it lawful for Roman Catholics to sit and vote in either House of Parliament.

1833. Quaker and Moravian affirmations.

(3 & 4 William IV. c. 49.)

“Act to allow Quakers and Moravians to make an affirmation in all cases where an oath is or shall be required.”

1833. Separatists’ affirmation.

(3 & 4 William IV. c. 82.)

“Act to allow the people called Separatists to make a solemn affirmation and declaration instead of an oath.”

1836. Marriage and Registration Acts 249

(6 & 7 William IV. c. 85 and 86).

Permitting the celebration of marriages in other places of worship than those of the Established Church, and in registrars’ offices.

1846. Penalties and Disabilities Repeal Act

(9 & 10 Vict. c. 59.)

1852. Burial Law Amendment Act 250

(15 & 16 Vict. c. 85.)

The first of the Burial Acts: an Act to amend the law concerning the burial of the dead in the metropolis.*

* Only the principal Burial Acts are here noticed; it being unnecessary to specify those making changes of minor importance.

1852. **Withdrawal of English Regium Donum** 249

1853. **Burial Act Amendment Act**

(16 & 17 Vict. c. 134.)

Act extending provisions of Metropolitan Burial Act beyond limits of the metropolis.

1853. **Abolition of Tests in Scottish Universities** (16 & 17 Vict. c. 89).

"Act to regulate the admission of Professors to lay Chairs in the Universities of Scotland." Professors not to be required to subscribe Confession of Faith.

1854. **Abolition of State-aid in Canada** 237

(17 & 18 Vict. c. 118.)

Act for Secularisation of "Clergy Reserves."

1854. **Oxford University Act** 254

(17 & 18 Vict. c. 81.)

1855. **Irish Burial Law Amendment Act.**

1855. **Liberty of Worship Act.**

(18 & 19 Vict. c. 86.)

"Act for securing liberty of Religious Worship." No prosecution to be maintainable for assembling for religious worship in a place of meeting not registered.

1856. **Cambridge University Act** 254

(19 & 20 Vict. c. 88.)

1857. **Further Burial Law Amendment Act**

(20 & 21 Vict. c. 81.)

1857. **Abolition of Ministers' Money (Ireland)**

(20 & 21 Vict. c. 8.)

1857. **Divorce and Matrimonial Causes Act**

(20 & 21 Vict. c. 85.)

Abolishing jurisdiction of the Ecclesiastical Courts in Divorce and Matrimonial cases.

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(21 & 22 Vict. c. 48 and 49.)	
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1860. Act to abolish Annuity Tax in Edinburgh and Montrose (23 & 24 Vict. c. 5).	
1863. Abolition of State-aid to Religion in New South Wales.	
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“Act to make it unnecessary to make and sub- scribe certain declarations, as a qualification for office, &c.”	
1867. Abolition of Declaration against Trar- substantiation (30 & 31 Vict. c. 72)	
“Act to abolish . . . the declaration against transubstantiation, &c., &c., as a qualification for any civil office or rights.”	
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1867. Dublin Professorships Act.	
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“Act to open Professorships of anatomy and chirurgery, chemistry and botany, in the University of Dublin to all persons irrespective of their religious creed.”	
1868. Abolition of Compulsory Church Rates ...	251
(31 & 32 Vict. c. 109.)	

1868. Abolition of State-aid in West Indies

(31 & 32 Vict. c. 120.)

“ Act to relieve Consolidated Fund from charge for salaries of future bishops, &c., in the West Indies.”

1868. Irish Burial Law Amendment Act.

(31 & 32 Vict. c. 103.)

1868. Irish Church Disestablishment Act 165, 255

(32 & 33 Vict. c. 42.)

“ Act to put an end to the Establishment of the Church of Ireland.”

1869. Grammar Schools Act 252

(32 & 33 Vict., c. 56.)

Opened governing bodies of Grammar Schools to all denominations.

1870. Abolition of State-aid in Jamaica 239**1870. Abolition of State-aid in Victoria.****1871. Abolition of University Tests**... .. 253

(34 Vict. c. 26.)

To render “ the benefits of the Universities of Oxford, Cambridge, and Durham, and of the college and halls now subsisting therein, as places of religion and learning, freely accessible to the nation.”

1871. Abolition of State-aid in Honduras and St. Lucia.**1873. Abolition of Tests in Trinity College and University of Dublin.** (36 Vict. c. 21.)

“ To render University freely accessible to the nation.”

1873. Abolition of State-aid in Antigua, St. Kitts, and Grenada.

1875.	Abolition of State-aid at the Cape of Good Hope,			
1880.	Burial Acts Amendment Act.	250
	(43 & 44 Vict. c. 41.			
	To permit services other than those of the Church England in parochial churchyards and the consecrated portions of cemeteries.			
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